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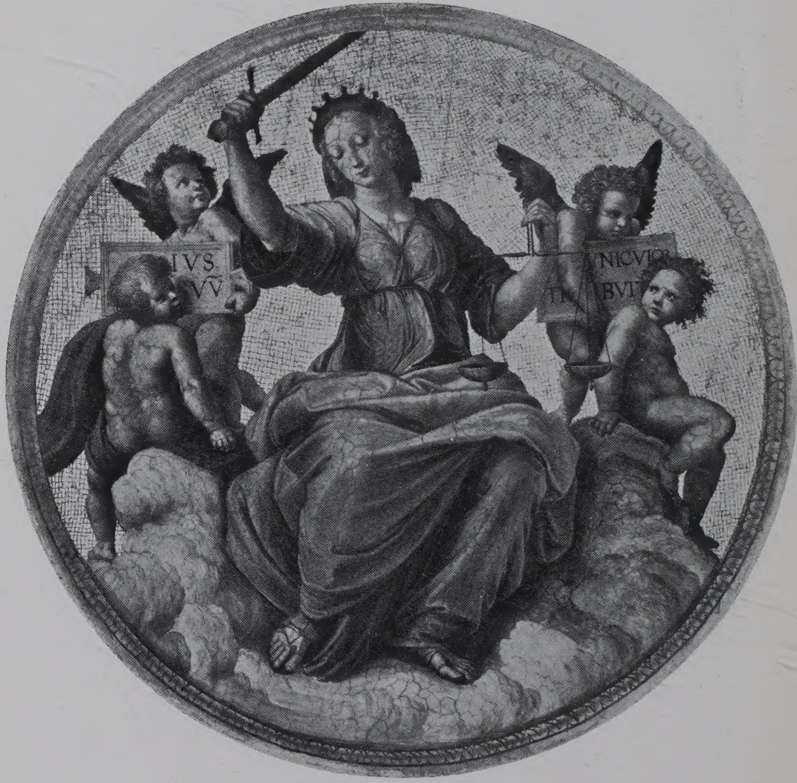
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JUSTICE
Raphael
(From the fresco in the Vatican.)

THE PROBLEM OF THE TWENTIETH CENTURY

A Study in International Relationships

by

DAVID DAVIES

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This book is dedicated to the men
of all nations who sacrificed
their lives in the war
to end war

" It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honoured dead we take increased devotion to that cause for which they gave the last full measure of devotion ; that we here highly resolve that these dead shall not have died in vain."

ABRAHAM LINCOLN.

INTRODUCTION

THE courageous reader who takes up this book will no doubt marvel at its dimensions. He may also pour forth execrations upon the temerity of the author. What extenuating circumstances can I plead?

In the first place I would crave the indulgence of my readers on the ground that this is my first attempt in the domain of literature. The House of Commons never fails to accord an indulgent hearing to a maiden speech. I can only hope that the same treatment may be meted out to this volume. Realising how greatly I lacked the qualifications necessary to do justice to the vast subject of international sanctions, I endeavoured to discover amongst my literary friends someone who would undertake to perform this task. Unhappily the search was in vain. Consequently, impelled by the conviction that the case for an international police force should be stated, a conviction strengthened during the last ten years by the repeated failures to achieve disarmament, I resolved to put my hand to the plough. In doing so, I cannot do better than repeat the words of William Penn:

" I have undertaken a subject that I am very sensible requires one of more sufficiency than I am master of to treat it as, in truth, it deserves and the groaning state of Europe calls for; but since bunglers may stumble upon the game as well as masters, though it belongs to the skilful to hunt and catch it, I hope this essay will not be charged upon me for a fault if it appear to be neither chimerical nor injurious, and may provoke abler pens to improve and perform the design with better judgment and success. I will say no more in excuse of myself for this undertaking but that it is the fruit of my solicitous thoughts for the peace of Europe, and they must want charity as much as the world needs quiet to be offended with me for so pacific a proposal. Let them censure my management, so they prosecute the advantage of the design: for until the millenary doctrine be accomplished, there is nothing appears to me so beneficial an expedient to the peace and happiness of this quarter of the world."

I have dedicated these pages to those gallant men from every land who laid down their lives to dethrone militarism and establish the reign of international law. Those of us who in a measure participated in their hardships and shared their inmost thoughts must realise that the debt we owe to the Unknown Warriors will not be fully paid until the world is freed from the shackles of war. Those of us who not only witnessed the horrors of the struggle but also got glimpses of the doings behind the scenes cannot help feeling how inadequate has been the return which statesmen and politicians have rendered to those who made the supreme sacrifice. It is in the hope that this debt may some day be repaid that these pages are written.

This book is not intended for the "wise and prudent." Its arguments are addressed to the ordinary person. I can make no pretensions to the academic study of the problem. As my life has been devoted to public work, politics, business and sport, I cannot claim that superior erudition which entitles so many authors to a hearing. During the last ten years I have endeavoured to collect material dealing with international sanctions. Successive periods of ill-health have enabled me to devote the stages of convalescence to these researches. I fear, however, that they are still incomplete, but I trust they will suffice to show the importance attached to this subject by the writers of bygone ages.

To my League friends I can only express the hope that I have not wounded their susceptibilities. If I have inadvertently done so, my plea is that, like all other human institutions, the League is not yet perfect. I have tried to point out its imperfections, not because I have lost faith in its destiny, but because I am convinced that if its defects are not recognised and dealt with the world may be confronted once more with the prospect of a new Armageddon. Everyone admits that the flaws exist, though we may not all be agreed upon the remedies.

I desire to acknowledge with grateful appreciation the invaluable help I have received in the form of constructive criticism, notes and references from a host of friends and helpers. Without their assistance, my task would have been well-nigh impossible. To the sympathy and encouragement of my wife I owe its completion.

DAVID DAVIES.

Llandinam,
Montgomeryshire.
May, 1930.

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A cartoon by Sir Bernard Partridge (reproduced from *Punch* by permission).

ABBREVIATIONS

E.B.—Encyclopædia Britannica.
C.M.H.—Cambridge Modern History.
War Obviated: War Obviated by an International Police.

CHAPTER I

THE PROBLEM

"To solve this great problem will require the concentrated effort of all the great nations in concert, and if this is to be forthcoming, it will be necessary for them to understand that the solution of this problem is the supreme need of civilised mankind."—VISCOUNT GREY.

I

Introduction

AT the outset of our enquiry an attempt should be made to define the nature of the problem which confronts us. To those men who have lived through the first three decades of this century and have actually witnessed the devastation and havoc caused by a world war and its aftermath, it is a problem the immensity of which transcends all others, for upon its solution depends the welfare and progress of the whole human race and the continued existence of a civilisation which expresses the sum total of man's achievements during centuries of effort.

In the pages of history are recorded the gradual stages in the ascent of man. How immeasurable is the difference in status of a cave-dweller and a member of a civilised community in the twentieth century! And yet, despite the amazing and vast superiority of the latter, displayed in countless ways, how thin and meagre is the partition which divides sheer barbarism from modern civilisation! The one is as far removed from the other as the basement of a New York skyscraper is from its roof-garden, but it only requires a bomb of sufficient magnitude to shatter the entire edifice. A new world war, waged with the weapons which applied science has now placed at the disposal of man, may easily produce the wholesale annihilation of nations within the space of a few months. And if those nations who lead the van of civilisation are destroyed, the world will relapse into a state of primeval barbarism or worse.[1]

Internationally we walk along the edge of a precipice ; one push and a nation may find itself hurled into the abyss. The rank and file demand that a strong wall shall be built to prevent more accidents. Their rulers and statesmen, absorbed in the contemplation of ultra-sovereignty, appear to be satisfied with a few posts and a strand or two of wire. When will they erect the wall of justice reinforced by sanctions ? Great, indeed, is the responsibility of this generation which has witnessed the spectacle of Armageddon, " who having eyes see not, having ears hear not, neither understand." God grant that the scales drop from their eyes before it is too late, and that upon the discussion of this problem be concentrated the combined wisdom of the universe until a practical solution has been reached.[2]

II

What is the Problem ?

WHAT is the problem ? Briefly stated, it resolves itself into the question of how to prevent war ; but the prevention of war is, after all, only a negative aspect of our enquiry. The real problem goes deeper : it is the eternal quest for justice. It is an " olive of endless age." [3] How are we to secure justice in the sphere of international relationships ? How are the affairs of nations to be regulated in such a way as to remove the causes of wars and to effect the just settlement of disputes? If our goal is justice it cannot be reached without solving the threefold problem of disarmament, security and sanctions. It is clear that so long as each nation is fully armed for self-defence and regards war as its only means of obtaining justice, it will be impossible to secure any great measure of disarmament. Spasmodic attempts may be made from time to time to reduce national armaments but, as in the past, these will all end in failure unless they are based upon security.

---

[1] " Who in Europe does not know that one more war in the West and the civilisation of the ages will fall with as great a shock as that of Rome." —Rt. Hon. Stanley Baldwin, M.P., January 8th, 1926.

[2] " ' Learn or perish ' is the rule for nations as for individuals. . . . The future, the life of European civilisation, will depend upon whether a wiser and more instructed spirit prevails now than it did before the experience of the Great War ; if it does not, our present civilisation will perish, as others have done before it, and the future progress of mankind will depend on the rise of something new, some human agency outside Europe and perhaps not of European race."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 277. Cf. p. 42, note 2.

[3] " Peace proclaims olives of endless age."—Shakespeare, *Sonnet* 107.

What do we mean by security? Such a combination of circumstances that the possibility of an attack is reduced to a minimum. For any nation security would be attained in its most perfect form were there present the conviction and the certain knowledge that, in the event of an attack by an aggressor, the organised forces of mankind would hasten to its assistance. Such a sense of security can prevail only if in the international organisation definite and reliable sanctions are available and will be forthcoming. No doubt must be left in the minds of all the parties concerned that the sanctions provided in any scheme will become operative.

The prevention of war, therefore, involves the creation of machinery for securing international justice; justice, in turn, is dependent upon disarmament; disarmament cannot be obtained without security; and security cannot be purchased without the establishment of sanctions. These are the links in the chain which must be welded together during the next fifty years if the world is to be saved from annihilation.[1]

---

[1] "Justice is the means of peace . . . it prevents strife and at last ends it . . . for they, being under government, are constrained to bound their desires and resentment with the satisfaction the law gives. Thus peace is maintained by justice which is a fruit of government."—William Penn, *An Essay towards the Present and Future Peace of Europe*, Chap. II.

III

Prevention of War is Relative, not Absolute

IT is not suggested that all wars can be eliminated. Even if this is conceded, it does not follow that the limits of their prevention have yet been reached. The considerations to be discussed in the ensuing chapters will show us that the means hitherto proposed are inadequate, and that by no stretch of imagination can it be asserted that human foresight has exhausted every available means for the prevention of war. "International Law" will never become law until it has been supplied with a definite sanction.[1]

But even the establishment of arbitral and judicial machinery and the creation of an international force may not entirely eliminate the aggressor nation any more than the courts of justice and the police have been able to abolish the criminal.[2] The creation of these international institutions will certainly place a limit to aggressive war just as the presence of the judge and policeman has helped to reduce the number of criminals. The incidence of crime tends to diminish in civilised countries,[3] and the fact that it still persists is no index of the number of criminals who would exist if law courts and policemen ceased to function.

Some people appear to believe that sanctions of any kind are unnecessary. They point to the fact that crime is still rampant, and then illogically demand the abolition of the police forces. It would be just as reasonable to suggest that because a dam leaks it should be entirely demolished. It might as well be argued that because disease is still a scourge the medical profession should be disbanded and all hospitals should be dispensed with. Although the struggle against the ravages of disease makes slow progress, nevertheless the advance in medical and surgical science and sanitation has appreciably increased the average duration of life during the last half century.

---

[1] "The so-called law of nations consists of opinions or sentiments current amongst nations generally. It therefore is not law properly so called."—John Austin, *The Province of Jurisprudence Determined*, Lecture V.

[2] "When the will to injure was overwhelmingly strong the means of attack could be improvised and the fear of an international police force would no more act as a deterrent in every instance than does the fear of a municipal police force in the case of domestic criminals."—T. J. Lawrence, *Principles of International Law*, 4th edition, p. 576.

[3] In the quinquennial period 1860–1864 the annual average number of persons tried for indictable offences in England Wales bore a relation to each 100,000 of the population of 280; in the period 1902–1906 the corresponding figure was 175.—*Encyclopædia Britannica* [hereinafter cited as *E.B.*], 13th edition, Vol. VII, p. 448. Cf. Cd. 3929 of 1908, p. 38.

The same principle applies to international relationships. The prevention of war is relative, not absolute, and the analogy between municipal and international law holds good.

The provision of sanctions would undoubtedly tend, in the first place, to limit the scope of war and, secondly, to change its character. For many years to come it may not be possible to prevent every nation from becoming an aggressor, but if a number of nations can be persuaded to assume the rôle of international policemen and to pool their military and naval resources, we shall have gone a long way to limit the incidence of war. Moreover, it should become easier to prevent wars in which more than two nations are primarily involved, and even to reduce the number of spasmodic struggles confined to two nations which have failed to settle their dispute and both of which may still be determined to appeal to the arbitrament of the sword. It is hardly conceivable that in any future war the League will be able to stand entirely aside. One or other, if not both, parties will endeavour to secure, at any rate, its moral support. It is probable that at least one of the belligerents will have signified its willingness to submit the issue to arbitration, and will thereby have substantiated its claim to the moral if not to the military support of the League, even though a unanimous vote is not forthcoming and the sanctions envisaged in Article 16 fail to operate. If this State is attacked it will henceforth, in repelling the aggressor, be acting not only in its own defence, but also as the protector of the international system, and in assuming this rôle it will be able to summon to its aid the forces of other nations which prefer a reign of law to a state of anarchy.[1] Should they accede to its request, they will be acting in the capacity of international policemen. If this new conception of war becomes universally recognised, war in its old sense—the struggle for mastery and supremacy[2]—will have become an anachronism. It will have completely changed its character; it will have developed into a sanction enforced and recognised by all the law-abiding communities. It will no longer be regarded as an instrument of policy, except by those nations which are determined to ignore the existence of an international authority.

Some people talk glibly of the outlawry and abolition of war. They do not appear to realise that before it can be abolished it must change its character, and that its new character, a police function, must be recognised by world public opinion.[3] This involves a change of mental attitude and outlook on the part of national communities which can never be fully realised until the international authority has been endowed with the power of organising its sanctions. The world is passing through a period of transition during which the new character is slowly being recognised.

---

[1] "If a Power has observed this procedure and if the justice of its cause and the loyalty of its behaviour commend themselves to its fellows in the League, it can never in the future have to conduct a war alone." —H. Noel Brailsford, *Olives of Endless Age*, p. 379. The position of Belgium in 1914 was somewhat similar. "An appeal from her for help when she was herself fighting for what we were pledged to defend would be peculiarly strong and moving. How could we possibly resist it?"—Viscount Grey, *Twenty-Five Years*, Vol. II, pp. 9–10.

[2] "War is nothing but a duel on an extensive scale. If we would conceive as a unit the countless number of duels which make up a war, we shall do so best by supposing to ourselves two wrestlers. Each strives by physical force to compel the other to submit to his will: each endeavours to throw his adversary, and thus render him incapable of further resistance. War therefore is an act of violence intended to compel our opponent to fulfil our will."—General Carl von Clausewitz, *On War*, I, 1, 2.

[3] "Disarmament cannot be treated as an isolated and technical matter. . . . It is conceivable only when the Great Powers sincerely face the prospect that the only wars in which they can be concerned are those which the whole society of civilised peoples may have to conduct for the common defence against an aggressor who has refused to submit to the world's verdict on his case. When we reach this point, we shall not disarm. We shall arm co-operatively to meet a common peril."—Brailsford, *Olives of Endless Age*, p. 387.

The Hague Tribunal was powerless to avert the catastrophe of 1914. It is doubtful whether in its present form the League of Nations, had it been in existence, would have fared any better. Nevertheless, the action of those nations which participated in the Great War in defence of Belgium's neutrality and the maintenance of international law approximated to a police function. In future this tendency is bound to become more marked as time goes on, especially as the League now constitutes a rallying point for all those nations which sincerely desire to uphold the sanctity of international agreements. That the process is a slow one only proves that the prevention of war can only be regarded relatively, and that its character must be completely changed before we can look forward to the day of its effective outlawry and total abolition.

IV

The Nature of Justice

IT has already been pointed out that war cannot be eliminated unless it is possible to secure international justice or what President Roosevelt described as "the peace of righteousness."[1] A peace founded on injustice cannot be permanent. It is not enough to outlaw war: a substitute must be found in order that disputes may be settled peaceably. Nor is it sufficient to discover a substitute: that substitute must be capable of dealing out justice impartially and guaranteeing its execution. Some people imagine that the League of Nations exists simply and solely to maintain peace and that peace at any price is its ultimate goal. Such a conception is obviously wrong and shortsighted. Peace at any price usually means war in the long run. Those people whose vision is circumscribed by a desire to stave off trouble, to patch up a settlement, to secure peace for their own day and generation, regardless as to whether the grievance has been removed, are living in a fool's paradise. The sense of injustice can only be appeased when the dispute has been adjudicated upon by an impartial court or arbitration tribunal. To ignore this fact is to postpone the day of reckoning until the moment when the nation, smarting under its grievance, after long years of patient suffering and vain appeals to the international authority, throws off all restraint and resorts once more to war.

---

[1] "My proposal is that the efficient civilised nations . . . shall join in a world league for the peace of righteousness."—Theodore Roosevelt, in a speech delivered in 1914, cited in *War Obviated by an International Police* [hereinafter cited as *War Obviated*], p. 150.

The claims of justice cannot thus be thrust on one side. "Justice is the constant and perpetual wish to render everyone his due," says Justinian.[1] It is true, no doubt, that there are frequent miscarriages. It could hardly be otherwise when justice is administered by human beings with all their frailties and shortcomings. But in the abstract it represents an ideal which is recognised by all civilised nations. The administration of justice in any country is a fair test of its claim to be regarded as a civilised community. The higher its civilisation, the greater will be the purity of its law courts. The converse is also true, namely, that if justice be extinguished, that if the impartiality of judges and the reputation of the courts are called into question, the individual citizens of that State would eventually take the law into their own hands.[2] They would revert to a state of anarchy.

The same principle applies to nations. A peace established on injustice can never be stable; it will never stand the test of time. The treaties of peace negotiated at the conclusion of a great war which has aroused the worst passions of the combatants cannot be concluded on grounds of strict equity and impartiality. They invariably contain the seeds of injustice which give rise to disputes in the future. Still more chaotic will international relationships become if the awards promulgated by arbitration tribunals and the decisions given by the Permanent Court of International Justice are to be flouted with impunity. If members of the League disregard the obligations into which they have entered, if they refuse to submit disputes to arbitration, or if, after having submitted them, they repudiate the awards of the court, it is clear that international law and the instrument which has been created to administer it—the League of Nations—will fall into disrepute. Their prestige will be shattered and the League will fail of its purpose unless it is equipped with adequate power to enforce its decisions. The League will be compelled to run this enormous risk, and its machinery may break down at the critical moment. Those members who desired to give effect to a just verdict would find themselves without any organisation to compel the recalcitrant State to submission.

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[1] Trans. Sandars: "Justitia est constans et perpetua voluntas ius suum cuique tribuens."—*Institutes* I, 1, i.

[2] Cf. *Current History*, September 1928, p. 896.

It may be urged that freedom to abide by each decision when that decision becomes known is far more important than any agreement in advance to apply coercive measures.[1] In this connection it is pertinent to ask how many persons would voluntarily pay their taxes unless there existed behind the tax collector a coercive agency armed with the authority of the law. If, when the amount had been duly ascertained, they possessed the right of withholding payment, it is certain that the national exchequer would soon become bankrupt. Let us also suppose that criminals need not appear before a judge unless they chose to do so, no matter how serious their offence might be. The law courts and the judges would be there, but unless the necessary machinery was in evidence to compel the appearance of the delinquents there would be few cases to adjudicate. It is obvious, therefore, that under these conditions the whole system of municipal, that is civic, law would fall to pieces; justice would be non-existent and the community would relapse into a state of barbarism.

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[1] " The opinion was held during the summer (of 1925) in some sections of the Liberal Party that a pact of the kind suggested would be a danger to British interests. Why, it was asked, should Great Britain guarantee either French territory against Germany or German territory against France : why should the British Government undertake to engage in war in any contingency whatever, flagrant or other ? Would it not, the argument proceeded, be infinitely better for Great Britain to reserve her complete liberty of action in all circumstances ? "—G. Glasgow, *From Dawes to Locarno*, pp. 96–97.

If we apply these parallels to international affairs, it is clear that the present organisation of the League falls far short of the standard which human experience has dictated as the minimum in the sphere of municipal law. It runs the risk of a catastrophe at any moment unless steps are taken to ensure that the administration of international law is fortified by the provision of sanctions, unless force is "put behind international peace."[1]

What does the conception of justice involve? To the ordinary man it signifies fair play and impartiality; the settlement of disputes on grounds of equity and not of interests; the application of reason instead of force. Most men possess an abstract idea of justice, and this belief has helped to knit them together into communities and, after many centuries, to secure their allegiance to the reign of law. "Law is the bond of human society." It may well be asked why it is that the same ideas have not permeated their minds in regard to the relationships of nations. Why is it that hitherto they have been content to slaughter each other in the name of justice, without taking the trouble to discover the means of securing it by an appeal to reason? Many explanations can no doubt be adduced for this state of mentality. The fetish of ultra-sovereignty, bolstered up by a false patriotism and supported by legal subtleties, has played its part. National pride and prejudice, exalting the characteristics of one nation at the expense of others, deprecating confidence in "the foreigner" and ridiculing attempts at co-operation, are also responsible. The distinction drawn between non-juridical and juridical disputes,[1] involving a political as opposed to a judicial issue, the reservations in arbitration treaties regarding such questions as national honour and vital interests which until recently it has been the practice to exclude from the purview of arbitration courts,[2] the fact that

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[1] "I think the next step is that which this League proposes and that is to put force behind international peace."—Senator H. C. Lodge: Address to League to Enforce Peace, Washington, May 1916.

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[1] By the arbitration treaties, twenty in number, concluded by the U.S.A. in 1928–1929, the contracting parties agree to arbitrate disputes "which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity." Article I of the General Treaty of Inter-American Arbitration of January 5th, 1929, was almost identical in character, the word "juridical" being used instead of "justiciable." The Root treaties of the U.S.A. had excepted "disputes of a legal nature and those relating to the interpretation of treaties."—J. W. Garner, "The New Arbitration Treaties of the United States," in *American Journal of International Law*, 1929, p. 595.

[2] In the Convention between Great Britain and France of 1903—"the most widely copied form of an arbitration convention"—disputes affecting such questions as either party might regard as affecting its vital interests, independence or honour were excluded.—R. R. Wilson, "Reservation Clauses in Agreements for Obligatory Arbitration," in *American Journal of International Law*, 1929, p. 79.

"Great Britain has concluded some 200 arbitration treaties for the purpose of settling disputes by arbitration instead of by war, but excludes from their field of operation precisely those disputes which most certainly lead to war."—Glasgow, *From Dawes to Locarno*, p. 136.

In the Convention for the establishment of an International Central American Tribunal of February 7th, 1923, there is inserted: "Questions or controversies which affect the sovereign and independent existence of any one of the signatory Republics cannot be made the object of arbitration or complaint."—*American Journal of International Law*, 1929, p. 87.

In the recent American treaties referred to in Note 1, reservations in respect of national honour, vital interests and independence are omitted, but reservations are made of matters within the domestic jurisdiction of either of the contracting parties or involving the maintenance of the international law has not yet been completely codified, together with the absence of any effective international organisation, contributed to the chaos which existed before the advent of the League. All these considerations impeded the path of justice and consequently the rulers were unable to avert the catastrophe of war.

The proceedings of the Hague Tribunal prior to 1914 afford an illustration of the futility of a loose and casual association of nations and emphasise the fact that the main difficulty was the lack of any international sanction to enforce the awards of the arbitrator and the decisions of the judge. "If," writes Professor van Vollenhoven, "the continuance and the success of the Hague Conferences is indeed threatened, the fault lies with those over-cautious men who dare not live up to the fair promises of 1898, who cling to names such as 'Peace' Conference and Palace of 'Peace' to save appearances, but dare not openly appear as reformers; who are willing enough to help create an indefinite number of fair-seeming treaties and then deny the possibility of securing their being respected. We can bring no graver charge against this show-legislation, unworthy alike of honest men and honest nations, than by reminding the reader of the famous 48th Article of the Treaty establishing the Court of Arbitration. This Article imposed upon all the signatory

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Monroe Doctrine which have much of the effect of the older reservations.—*American Journal of International Law*, 1929, p. 595. With these reservations there may be contrasted the terms of the General Pact for the Renunciation of War of August 27th, 1928, as follows: "The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be which may arise among them shall never be sought except by pacific means." It is generally agreed, however, that the right of self-defence was impliedly reserved. "Mr. Kellogg had to recognise explicitly that his proposals reserved the right of self-defence. . . . This point established, it is evident that no outlawry of war declaration is going to be worth the paper and ink if it leaves to each and every state the sole right of defining when it is fighting a defensive war. . . . To outlaw war purely and simply does not mean anything. . . . The Pact is as good as non-existent."—Salvador de Madariaga, *Disarmament*, pp. 41, 202.

powers to the Treaty the imperative duty, whenever peace seems in jeopardy, to call upon the parties to the quarrel to submit their differences to the decision of the said Court. And yet, during these twelve years that the Treaty has been in operation, this famous duty has not been observed once, and any nation which should perform it would be called a hypocrite or worse."[1]

When the storm burst the existence of this Article was ignored. Stripped of their diplomatic verbiage, the arguments used in August 1914 by at least one of the belligerents closely resembled the declaration of the Athenian Envoys to the inhabitants of Melos before they proceeded to attack the island. They said, "Well, then, we Athenians will use no fine words; we will not go out of our way to prove at length that we have a right to rule because we overthrew the Persians, or that we attack you now because we are suffering any injury at your hands. We should not convince you if we did; nor must you expect to convince us by arguing that, although a colony of Lacedæmonians, you have taken no part in their expeditions, or that you have never done us any wrong. But you and we should say what we really think and aim only at what is possible, for we both alike know that into the discussion of human affairs the question of justice only enters where there is equal power to enforce it, and that the powerful exact what they can and the weak grant what they must."[2]

Unless the nations who participate in the new international association—the League—are prepared to agree in advance that justice is to be enforced, it is fair to assume that, like the Athenians, they either do not desire justice or that, like their predecessors at

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[1] *War Obviated*, p. 38.

[2] *Thucydides*, V, 89; trans. Jowett, Vol. I, p. 399. Cf. the observation of Tannenberg: "Since we have the power we need not seek any other argument."—Quoted by Gustave Le Bon, in *The World in Revolt*, p. 72, as expressing the views of Bernhardi, Lasson and other German writers.

The Hague, they are prepared to risk an injustice by omitting to provide the necessary sanctions.

This omission places the international arbitrator or judge in an invidious position as compared with the arbitrator or judge who is called upon to adjudicate between individual citizens and to administer municipal law. The task of the latter is a comparatively simple one. In arriving at his decision he will be guided by the precepts of equity, by the interpretation of legal enactments and points of law and by the actual facts relating to the case. He will be concerned solely to do justice as between the litigants or to pronounce a just sentence upon the prisoner. He realises that when his award is published or when his verdict is given all the parties will be compelled to accept the decision or sentence.

When we enter the domain of international or industrial strife, how different is the position of the arbitrator or judge.[1] His main pre-occupation is to secure peace, to prevent a war or a strike as the case may be. During the whole of the proceedings he cannot help keeping one eye on the big battalions. His award to be effective must produce a settlement. Whether it be a just or an unjust settlement is of much less importance. What matters is that at the moment there shall be no war or industrial upheaval. If the international or industrial arbitrator was certain that his award would be accepted and, if necessary, enforced, he would rule out all other considerations, basing his decision simply and solely on the dictates of justice.[2]

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[1] Article 38 of the Statute of the Permanent Court of International Justice regulates the power of the Court to apply certain forms of International Law and then proceeds—" This provision shall not prejudice the power of the Court to decide a case *ex æquo et bono* if the parties agree thereto."

[2] In the course of the Anglo-American arbitration regarding the Alaskan frontier Roosevelt sent troops into Alaska and, to enlighten the British Government as to the probability of war in the event of the award being against the American contention, despatched Mr. Henry White to interview Mr. Balfour. " I left no doubt upon his mind," wrote White,

It is clear, therefore, that the prevention of war and the ensuring of justice are not necessarily synonymous. It does not follow that because the former has been achieved, the claims of justice have been satisfied. If, however, an effective sanction could be applied, then it might be possible to secure both these results.

V

Justice and small States

THREE instances may be cited exemplifying the impotence of the international machinery to secure justice. The first is that of a small State which finds itself in conflict with one of the Great Powers.[1] A parallel case in municipal law is that of a workman who brings an action against his employer. In the latter both parties are equal in the eyes of the law and any inequalities of rank, status or wealth are entirely disregarded. Both realise that they must appear before the judge, that justice will be meted out impartially, and the decision of the court will be enforced. As a result confidence is engendered in the mind of the workman which may prompt him to seek legal redress if, during the preliminary stage of negotiation or conciliation, a claim which he considers to be just has been rejected by his employer.

From the standpoint of international law the small State and the Great Power also exist on terms of equality.

"as to the result of a failure to agree. . . . I explained to him very fully the position of Alverstone, and intimated that I thought it would be very desirable that he should be told that the Government, without in any way wishing to influence him, was very anxious for a decision." —Lord Newton, *Lord Lansdowne*, p. 264.

[1] Thus "the Koreans have suffered from living in a land whose position gave natural advantages for war to others, and which rendered their soil either a direct object of covetousness, or at least an allotment upon which their neighbours trampled by turns for the express purpose of preventing other people from trampling on it."—Vice-Admiral G. A. Ballard, *Influence of the Sea on the Political History of Japan*, pp. 126–127. See also A. P. Nicholson, *Scraps of Paper*, where the treatment meted out to the Native States of India by the British administration in defiance of treaty obligations is described.

They may elect to settle their dispute by recourse to conciliation. But this method is obviously a one-sided procedure, for the small State knows in advance that it cannot compel the appearance of its opponent before an international court. If the case is referred to arbitration it is unlikely that the arbitrators will announce an award which they believe the Great Power will not accept. If it is tried before the International Court no sanction exists wherewith to enforce the decision.[1] With the knowledge of these facts the small State during the conciliatory proceedings will probably throw itself upon the generosity and magnanimity of the Great Power. It hesitates to raise its voice in protest in the Assembly of the League or to embark upon legal proceedings, because it knows that the latter may be futile, whilst the former may produce unpleasant consequences by way of retaliation.[2]

It is therefore clear that the principle of equality has a real significance when applied to municipal law, whereas in international law it may represent little more than a legal fiction. The vital distinction is to be found in the absence of any clearly-defined sanction in the "law of nations," and until this omission has been rectified the smaller and weaker States will never be accorded the justice which is their due.[1]

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[1] The denunciation by France in 1918 of the regime of free tariff zones around Geneva, created by the treaties of 1815, resulted in a dispute between France and Switzerland. In 1923 the French customs line was advanced to the political frontier. A compromise was reached in October 1924, by which it was agreed to refer the matter in dispute to arbitration. The French Government, however, refused to ratify except on the condition of the abandonment by Switzerland of the neutrality of the Haute Savoie. Switzerland in 1927 consented to this, and ratifications were exchanged. The Permanent Court heard the dispute in 1929 and supported the Swiss contention, condemning the action of France in advancing the customs frontier. At the Assembly in September of that year M. Briand declared that it was not a defeat but a victory for a great State when it complied with an arbitral decision which was unfavourable (see p. 642, note 1). France, however, continued to maintain the advanced customs line. Negotiations were resumed in December but, France insisting on the advanced line, they were broken off on the second day.—*E.B.*, 14th edition, Vol. XXI, p. 691; *Annual Register*, 1923, p. 238; 1927, p. 214; 1929, pp. 250–251.

[2] An instance of such unpleasant consequences is illustrated by the threat of Spain to Sweden during the negotiations at the Extraordinary Assembly of the League in March 1926. In this case the threat did not deter Sweden from maintaining her attitude, but in the case of a weaker State it might have been effective.—*The Times*, March 13th, 1926.

VI

Justice and Minorities

THE second example is to be found in the treatment of minorities whose rights are supposed to be safeguarded in the treaties of peace. It is notorious that in some instances these clauses remain practically a dead letter.[2] There may be many causes which give rise to the minority problems, but undoubtedly one of the chief is the necessity of securing a strategic or economic frontier. Because statesmen, instructed by their military advisers, firmly believe that at some time or other they will be implicated in a new war, they demand strategic frontiers in order to obtain an initial advantage at the outset of hostilities. The delimitation of a strategic frontier usually involves the annexation of territory inhabited by people of a different nationality.[3] These folk are not consulted as to whether they desire to become subjects of this particular State or not,[1] nor are they usually permitted to indulge in any form of local self-government. They are simply incorporated as part of the new regime inasmuch as it is their misfortune to inhabit an area which from a military point of view is vitally important. It follows that they must be dragooned into becoming good citizens, they must be mulcted in taxes, they must be closely supervised, and their children must be educated in the official language of the annexing State.[2] To effect these beneficent results, a horde of officials is despatched by the central government to work their will upon these unfortunate people. Thus new danger zones are created all over Europe.[3] The federal principle which, as experience has shown in Switzerland and other countries, might be utilised to remove or at any rate to lessen the sense of injustice and oppression[4] is ignored. The safeguarding clauses inserted in the treaties of peace cannot be regarded as effective safeguards: they merely excite vain expectations and hopes in the minds of the minorities. They were probably introduced to salve the consciences of the statesmen of more enlightened States who assisted in drafting the treaties and insisted upon their inclusion.[1] But if it was not intended that these clauses should become effective, why were they inserted at all? The League endeavours to alleviate the injustices under which the minorities suffer, and it has created a special department to deal with this problem.[2] But, however well-intentioned the League may be, it has no authority or power to insist that the minority clauses shall be administered in accordance with the treaties, and until means are provided of making the writ run it will never be able to do so.[3]

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[1] Cf. the attitude of Great Britain to the Japanese annexation of Korea. "The plight of the Hermit Kingdom in no way affected the interests of England: British diplomacy has seldom permitted moral scruples to stand in the way of what it regards as the exigencies of statecraft."—R. L. Buell, *The Washington Conference*, p. 116.

[2] "One bows to the indisputable evidence that good has been effected through the League's agency in this way, but the fact remains that the plight of these alien populations (including the Jews) is distressing in Poland and Rumania, while for the Bulgarians and Albanians of Serbian Macedonia, nothing has yet been attempted."—Brailsford, *Olives of Endless Age*, p. 148.

[3] "The annexation by Italy on strategical grounds of a solidly German population in the Tyrol was the most wanton but by no means the most extensive of these wrongs. Bulgaria suffered in the same way to the profit of Greece, Rumania and Yougo-Slavia. . . . The post-treaty partition of Upper Silesia which, in defiance of the plebiscite, assigned to Poland such a decidedly German region as Kattowitz, with its wealth of coal and its highly organised industries, was a wanton wrong inflicted on the German race."—*Id.*, pp. 71, 81.

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[1] " 'The right of self-determination' fares no better. . . . The plebiscite was actually applied, honestly in Schleswig, a part of Holstein and in the Masurian regions of East Prussia, dishonestly in Eupen and Malmedy, and with disingenuous caprice in Upper Silesia. The doctrine, in short, was applied wherever it might tell against the vanquished. It was not applied when Italy took the German South Tyrol, nor in Macedonia, Bessarabia and the Ukrainian regions which the Poles annexed. But perhaps the most flagrant denial of the principle is contained in the clause of the settlement which expressly forbids German Austria to unite with the German Reich without the consent of the victors."—Brailsford, *Olives of Endless Age*, pp. 53–55.

[2] All the minority treaties contain the provision that the official language of the State may be made compulsory in all its schools, even though a second language may be taught where a minority is of considerable numbers. "Italy, though her territory was enlarged by the peace settlement at the expense of the German population of the Tyrol and of the Slav minority in Trieste and its hinterland, is free from this supervision. Her treatment of both these races calls emphatically for intervention."—*Id.*, p. 149. "If German minorities . . . continue to suffer such intolerable wrongs and insults as the Italians inflict upon them in the South Tyrol, a remedy may be sought in war. . . . Men are forced to change their family names to the nearest equivalent in the language of their conquerors."—*Id.*, p. 210.

[3] See note 3, p. 17.

[4] "When the conditions exist for the formation of efficient and durable Federal Unions, the multiplication of them is always a benefit to the world."—J. S. Mill, *Representative Government*, c. xvii.

On the other hand, the annexing States naturally resent any interference on the part of the League with what they consider to be a matter which comes under their own internal jurisdiction and part and parcel of their domestic affairs. So long as they are compelled to rely solely upon their own resources for the defence of their country, so long will they attach importance to the strategic frontier. If they could be assured that in the case of an unprovoked attack their national forces would be reinforced by an international police, the cause for their fear would be removed and it might then be possible for the international authority to insist upon the application of the federal principle or in some other way to deal effectively with the minority problems. In this instance again the cause of justice demands an international sanction.[1]

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[1] The President of the United States had made it clear before the Armistice that peoples and provinces were not to be "bartered about from sovereign to sovereign as though they were mere chattels and pawns in a game." This seemed to demand that provision should be made for the protection of minorities. The first proposal for protecting minorities in the new states came from him. It provided for religious freedom and political equality.—M. O. Hudson, "The Protection of Minorities," in E. M. House and C. Seymour, *What Really Happened at Paris*, pp. 208, 210.

[2] The Council of the League on October 25th, 1920, "instituted what came to be commonly known as the 'Committee of Three' or 'Minorities Committee," which has become one of the normal organisations of the League in the matter of the protection of minorities.—*E.B.*, 14th edition, Vol. XV, pp. 564–573. There exists, in addition, a Minorities Questions Section of the League Secretariat with a Director (M. Aguirre de Carcer) and a staff of fifteen.

[3] "Paris is going to crash, but I always thought it would, because the fools built on the shifting sands of small States, and Leagues of Nations without power of enforcing conditions."—Diary of Field-Marshal Sir Henry Wilson in Major-Gen. Sir C. E. Callwell's *Life*, Vol. II, p. 186.

VII

Justice and Article 19

A SIMILAR example is afforded in the provisions contained in Article 19, which reads as follows: "The Assembly may from time to time advise the reconsideration by members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world."

Article 19, whilst it has not attracted as much attention as some other articles of the Covenant, may yet prove to be one of the most vital significance. Although couched in a vague and tentative form, it contains a fundamental idea the application of which is essential to international peace. From one standpoint it may be regarded as the provision which seeks to qualify the undue rigidity of Article 10. The preservation as against external aggression of the territorial integrity of members of the League will not always necessarily signify a crusade on behalf of international justice. No treaty is perfect. Many a territorial settlement has been a fertile seed-plot of war. And when one considers the terms laid down in the Treaty of Versailles it is clear that the need for change will be increasingly emphasised as time goes on. Change is the essence of life. This is as true in the realm of nation-states as in every other sphere. In the past the sword, or the threat of the sword, has been the usual method of effecting alterations, both necessary and unnecessary, in the world's political structure. The problem of peace may be most realistically interpreted as the establishment of an international regime which can bring about in a peaceful manner the adjustments vital to the world's growth.

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[1] The protection of minorities was one of the most important features of the work of the Council in 1929. At its meeting in June the Council considered the report of a committee of investigation appointed in the previous session.—*Official Journal*, July 1929, p. 1133. The report dealt with, *inter alia*, the scope and the nature of the League guarantee, together with the powers and functions of the Council. The resolution adopted by the Council contained several new provisions concerning procedure for the examination of minority problems.—*Id.*, pp. 1002–1011.

To what extent does Article 19 come up to this ideal? It must be admitted that its wording is not very definite. Lord Cecil at the Commission of the Peace Conference which drafted the Covenant submitted a more elaborate proposition[1] which would have meant that the Assembly would be responsible for revising all existing international treaties at fixed intervals. This did not receive the necessary support, and Article 19 may be regarded as the maximum that the statesmen were prepared to accept at that time.

A case in point may serve to show the extent of the difficulties which lie in the path of the League's action in this respect. At the Second Assembly a dispute between Bolivia and Chile was thoroughly discussed. It concerned a treaty signed between the two countries on October 20th, 1904, under which Bolivia had ceded valuable nitrate-producing territory to Chile. Bolivia maintained that this had been done under duress, and she endeavoured to have the treaty declared " inapplicable " under Article 19 of the Covenant. M. Edwards, the Chilean delegate, of course opposed this demand vigorously. The question was referred to a committee of three distinguished jurists whose task was to analyse the competence of the Assembly under Article 19. In their judgment they ruled the Bolivian application out of order on the ground that " the Assembly of the League of Nations cannot of itself modify any treaty, the modification of treaties lying solely within the competence of the contracting States." [1] The advice contemplated was only where treaties had become "inapplicable," i.e. "when the state of affairs existing at the moment of their conclusion has subsequently undergone, either materially or morally, such radical changes that their application has ceased to be reasonably possible, or in cases of the existence of international conditions whose continuance might endanger the peace of the world." [2] Thus Bolivia could not proceed with her application.

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[1] At the Eighth Meeting of the League of Nations Commission what is now Article 19 was proposed by Lord Cecil on behalf of the British delegation. The Article as proposed read:

> "The Body of Delegates shall make provision for the periodic revision of treaties which have become obsolete and of international conditions the continuance of which may endanger the peace of the world."

On the advice of Miller, the legal adviser to the American delegation, Wilson proposed the word "recommendations" for "provision" and in this form the Article was approved. The view of the American delegation was that "if the Assembly were to become the judge of all treaties it would have powers like those of an international parliament."—D. H. Miller, *The Drafting of the Covenant*, Vol. I, p. 202.

This case illustrates two things very plainly: firstly, the limited powers of the Assembly under the article in question, which is not meant to detract one iota from the time-honoured implications of State sovereignty; secondly, in the background of the case was the haunting fear that an interference by the League would be interpreted across the Atlantic as a violation of the Monroe Doctrine.

It is clear that Article 19 [3] will fail to achieve the object for which it was intended until the members of the League are prepared to confer upon the international authority the power of treaty revision. But how can the League intervene successfully in the revision of treaties without risking its prestige or possibly precipitating an international crisis, unless it possesses an effective sanction to ensure that the terms of revision are complied with? Justice may demand speedy and extensive revision: vested interests, on the other hand, will as strongly demand a continuation of the *status quo*. Nations imbued with imperialistic tendencies will support the vested interests. They will naturally fear that a precedent may be created which in future may be applied to the revision of treaties in which they are directly involved and that their own particular interests may be adversely affected. Here again, it will be observed, there arises a conflict between justice and interests and, if past experience is any guide, it is certain that justice will be subordinated to interests[1] and that consequently the moral status of the League will be seriously undermined. If, however, the League has been provided with an effective sanction, there is every reason to believe that the cause of justice would triumph at the expense of "interests." The results obtained from the application of these principles in enforcing the decrees of municipal courts would then be reflected in the administration of international law. Even the Supreme Court of the United States has been equipped with sanctions, though in practice in inter-State disputes it has never been compelled to put them into force. Except in one instance, all its decisions have received the loyal acquiescence of the States-members of the Union. In this particular case—the dispute between Virginia and West Virginia in 1918—Chief Justice White made it clear that execution would be levied by the federal government, and after a protracted delay the defendant State complied with the order of the Court. In delivering the judgment of the Court on that occasion the Chief Justice laid down that the Court possessed a definite sanction exercisable even against States.[1] The United States Marshal is entitled to obtain the aid of federal troops for the execution of the Court's decrees.[2]

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[1] *Records of Second Assembly, Plenary Meetings*, p. 466. [2] *Ibid.*

[3] The latest development in connection with Article 19 is the proposal of the Chinese delegation at the 1929 Assembly for the appointment of a Committee " to consider and report on the best methods to make effective " the Article. The Chinese delegation pointed out that the Article had not once been acted on during the decade of the existence of the League.—*Records of Tenth Assembly, Plenary Meetings*, pp. 99, 101. The proposal was referred to the First Committee, which deemed it " desirable not to convey the erroneous impression that Article 19 of the Covenant is inoperative " and abandoned the proposed committee of enquiry.—*Id.*, p. 177.

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[1] "German policy seems to have been based upon a deliberate belief that moral scruples and altruistic motives do not count in international affairs. . . . The highest morality, for a German Government, was the national interest: this overrode other considerations."—Viscount Grey, *Twenty-Five Years*, Vol. I, p. 133.

Article 19 was intended by the framers of the Covenant to provide for new conditions, for changes in the relationship of nations; but it will never become a reality nor will the process of revision be based upon justice until it has been reinforced by the organisation of international sanctions.

VIII

Justice and Security

DURING the discussions which have taken place at Geneva great stress has been laid upon security. What is the connection between security and justice? Security is an atmosphere in which the national mind lives, moves and has its being. In this atmosphere each nation feels that it is free to work out its own destiny, to develop its own culture and its own ideas without forcible interference on the part of its neighbours.

Security strikes an even deeper chord. It expresses the state of mind of a nation which is free from the haunting fear that at any moment the lives and property of its citizens may be at the mercy of an armed host.[1] This dread of physical and material suffering is very real in the consciousness of continental peoples and can hardly be appreciated by other nations whose historical associations are so different and whose geographical position has in the past rendered them immune from these tragic experiences. We have only to contrast the state of mind of the nations inhabiting both sides of the frontier separating Canada and the United States with the feelings of the inhabitants on any frontier in South-Eastern Europe. In the former case the sense of insecurity is non-existent. In the latter and in most European countries the citizens are forcibly reminded at every turn of the imminence of the next war. Barracks, fortresses, legions of conscripts and frontier guards and other military paraphernalia proclaim to all the world the conditions of insecurity which prevail.[2] Consequently this phenomenon becomes part and parcel of their daily existence. To exorcise the spirit of insecurity it is therefore necessary to banish the dread of physical suffering and loss, and at the same time to create the conditions under which each nation may feel that it is free to develop along its own lines without let or hindrance on the part of its neighbours, provided that it respects their independence and offers them no injury. If this definition is the true one, it follows that the idea of security is bound up with a geographical expression, that it refers in particular to communities inhabiting certain well-defined territories, and that in the occupation of those territories they possess certain rights which have been more or less defined and embodied in the rules of international law. Any breach of these rules constitutes a hostile act, often resulting in a state of war. The idea of security in the past has not been so intimately bound up with the inviolability of frontiers or the integrity of a recognised geographical unit. Hitherto the definition has not been so distinct or clear-cut. " In every war the question at issue is some real or imaginary right, varying in importance, upon which the security of each nation or its interests is thought to depend in varying degree. Hence, security may be said in general terms to be the national or political object."[1]

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[1] See Appendix A.

[2] "Considering the situation of our own Supreme Court, our citizens are at all times more or less conscious of the fact that the decisions of that august body are entitled to and in case of necessity would receive the backing of the entire military force of the country, administered by the President and supported by the Congress."—T. W. Kinkaid in *War Obviated*, p. 159.

"For the execution of its powers each Federal Court has attached to it an officer called the United States Marshal . . . whose duty it is to carry out its writs, judgments and orders by arresting prisoners, levying execution, putting persons in possession and so forth. He is entitled, if resisted, to call on all good citizens for help; if they will not or cannot render it, he must refer to Washington and obtain the aid of Federal troops."—Viscount Bryce, *The American Commonwealth*, Vol. I, pp. 237–238.

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[1] "Every country (before 1914) had been piling up armaments and perfecting preparations for war. The object in each case had been security. The effect had been precisely the contrary of what was intended and desired. Instead of a sense of security, there had been produced a sense of fear, which was yearly increasing. . . . Such was the general condition of Europe; preparations for war had produced fear, and fear predisposes to violence and catastrophe."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 271.

[2] The result of the establishment of a Federation "will be . . . that the State will enjoy a security far greater than it now draws from all its armies and from all that warlike parade which drains its strength in the very bosom of peace." "They will also be spared vast expenses by the reduction of their military budget, of those innumerable fortresses, of those enormous armies, which swallow up their revenue and become daily more and more of a burden to their subjects and themselves."—J. J. Rousseau, *A Lasting Peace Through the Federation of Europe*, trans. C. E. Vaughan, pp. 81–83.

Undoubtedly the above definition was true and may in certain cases still be applicable to those historical movements which have been productive of so many wars. The security of a dynasty or religious association, of a particular form of government, whether based on freedom or autocracy, may be cited as examples.

The security of some nations was, and may still be, considered to be involved in certain economic arrangements, for example, the necessity of obtaining supplies of raw materials, whilst in other cases it was linked up with such ideas as continental ascendancy, the balance of power, the freedom of the seas, and other formulae which at different times and in varying degrees have been proclaimed as " the national or political object." It was in the name of security that Great Britain conquered half the world and built up a vast empire.[2]

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[1] Adm. Sir Reginald Custance, *A Study of War*, p. 2.

[2] " Gibbon tells us somewhere that Livy asserts that the Romans conquered the world in self-defence."—M. Campbell Smith. Introduction to *Perpetual Peace* by Immanuel Kant, p. 84.

It was to find "a place in the sun" that Germany embarked upon the Great War.

The sanctity of beliefs and the lust for hegemony and all the hundred-and-one reasons which can be adduced as the causes of war were not necessarily circumscribed by any geographical limitation. But, however potent these issues may have been in the past and however important they may still be in the future, they have little to do with our modern definition of security. The rise of nationality and the ideas underlying its conception have reinforced the view that the essence of security in these days is the inviolability of the frontier. Preceding generations may have attached other meanings to this term, but in the discussions which have proceeded at Geneva during the last ten years it has been used to denote freedom from aggression and non-interference with the domestic affairs of each individual State. In their chastened mood, statesmen now appear to have limited the definition, and for the time being at any rate to have thrust the wider implications of security into the background. Called upon to disarm, they retort, "We cannot do so until the security of our frontiers has been guaranteed and the League has been provided with sanctions which will secure the observance of Article 10 of the Covenant."[1]

It is at this point that we are forcibly reminded of the connection between justice and security. Article 10 lays upon the international authority the obligation to protect for all time the territorial integrity of the States-members of the League. Justice, on the other hand, as we have already seen in the cases of minorities and treaty revision, may demand a rectification of frontiers or possibly a wider application of the federal principle. To stereotype frontiers for ever is obviously opposed to the spirit of Article 19, and the only peaceable method of adjusting differences, whether it involves the wider or the narrower interpretation of security, is to be found in the submission of all these questions to a process of arbitral or judicial settlement. By this means justice will be administered and, as a consequence, the security of the nations will have become assured, provided that under this procedure the international authority has been armed with the necessary sanctions.

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[1] "Security now means the provision of reasonable safeguards by the joint and common action of the society of States against aggressive attack aimed at any one of them which has not itself been guilty of an international fault or misdemeanour."—P. J. Noel Baker, *Disarmament*, p. 49.

Thus the provision of sanctions is again the connecting link between justice on the one hand and security on the other. If the international authority is equipped with the requisite machinery for adjudicating impartially upon all these vexed questions, and if the rulers and their peoples can be convinced that justice will be meted out to them, the problem will not be insoluble. It is the guarantee of execution and the existence of a superior force to render the enforcement certain that will constitute in their minds the true pledge of sincerity and fair treatment.

IX

Justice and Disarmament

WE now come to the consideration of the connection between justice and disarmament. It may appear paradoxical to discuss even the possibility of dispensing justice amongst nations all of which are armed to the teeth whilst the international judge or arbitrator cannot count with certainty upon the support of a single battalion. We can imagine the chaos in a civil or criminal court if the litigants, the prisoners, the juries and everyone save the judge or the arbitrator arrived on the scene with swords dangling at their sides and pistols bulging in their pockets, if there was no policeman or sheriff to compel an appearance and to execute a writ for contempt of court. Under these ludicrous conditions the administration of justice in the domain of municipal law would obviously become a farce. Yet it is under precisely similar conditions that it is expected to flourish in the international sphere.

It is clear that the connection between justice and disarmament is of vital importance. It involves not only the disarming of the possible litigants and juries; it also means that the judges and arbitrators—the international authority—must be provided with the means of making the writ run. The only inference to be drawn is that disarmament will not of itself secure the peace of justice unless it is accompanied by sanctions.

It is idle to contend that because the nations have voluntarily undertaken a considerable measure of disarmament since the conclusion of the greatest war in history, they have made any appreciable advance along the highway of peace. It is true that reductions have been effected in military and naval expenditure. Under the pressure of financial stringency and the need for economy, governments have been compelled to reduce their armies and navies to a limited extent. But their action in this respect only follows the example of their predecessors at the conclusion of the Napoleonic Wars. The impoverishment of Europe at that time and the enormous increase in the national debts compelled rulers to adopt a policy of reduction in armaments. But it was only for a time and, with the return of prosperity, the means became available once more for expanding the national forces. So it is to-day. There will be no real disarmament if its measure is to be solely dictated by the impecuniosity of the national exchequers.[1] The real test is the will to peace and the determination to secure justice on the part of the nations which have become members of the League. If this test is applied to the discussions on disarmament which have taken place at Geneva during the last ten years, we cannot help coming to the conclusion that the proceedings have ended in failure. Perhaps it is too much to say that these precious years have been entirely wasted. It is true that no practical results have followed the interminable conferences, sittings of commissions and meetings of committees which have taken place. Something will have been gained, however, if the quest for a solution based on the reduction of the relative military strengths of each nation has been found to be impracticable. The time will not have been wholly misspent if it is at last realised that the negative or relative method is not the only approach to disarmament and that the highway of sanctions still remains as an alternative policy.

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[1] "There is no hope of anything more than temporary truces and modest reductions, imposed for a time by the general poverty, until we advance from the competitive to the co-operative view of armaments."—Brailsford, *Olives of Endless Age*, p. 378.

A motorist is often confronted with the choice of two roads. The longer is clearly marked on the map, whilst the course of the shorter is obscure. He elects to take the shorter route which soon begins to deteriorate, finally dwindling into a mere track across a wild and desolate moor. After repeated breakdowns, he extricates his car from the ruts and, returning to the cross-roads, eventually reaches his destination by the longer route. The Temporary Mixed Commission and the other disarmament committees, having spent ten years in vainly endeavouring to overcome the obstacles on the road marked " Relative Disarmament," and having already damaged their car, must now return to the signpost marked " Police Force." This road is hilly, but for centuries it has been repaired by the national and municipal authorities. It will lead them to their destination—disarmament.

It is not proposed in this chapter to deal at length with the relative or negative aspect of disarmament as opposed to its positive side.[1] It is clear that if disarmament is regarded as a means of securing justice we cannot stop short at relative disarmament, that is to say the reduction of national armies and navies to some unknown and undefined standard of relative strength. Neither should we, as has been suggested, retrace our footsteps to 1860,[1] when the modern armaments race is supposed to have been set on foot. The "standards and conceptions" which influenced our grandfathers can be of little help in these days, except to demonstrate the pitfalls into which they stumbled.[2] Both they and their immediate predecessors imagined that salvation could be found by piling up colossal armaments. In their view these armaments would produce a wholesome fear of war in the minds of their neighbours. Reinforced by alliances, they would result in a state of equilibrium between the opposing groups. Hence the theory of the Balance of Power.[3] The events of 1914 proved that this conception was entirely wrong. Our ancestors failed to prevent war, not because they did not recognise its futility or its horrors, but because they did not grasp that some other method had to be substituted for it; that this procedure must be based on justice and, finally, that justice must be backed by overwhelming force.[4]

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[1] See chap. XVI, p. 592.

The protagonists of relative disarmament, like the advocates of peace at any price, invite us to override the claims of justice and to concentrate all our endeavours in the pursuit of an illusory peace. Whether this peace is to be founded on justice or injustice appears to be irrelevant.

If the evolution of civilised states and the development of municipal law are any guide, it is safe to predict that disarmament will never be achieved along these lines. Our experience before the war has already proved that arbitration treaties may be signed by the hundred, but that they do not necessarily reduce the establishment of any national army by a single battalion.[1] Again let us quote Vollenhoven: "We shall not be one step nearer to the solution of the question of armaments. And international law, whether codified or not, will be incapable of preventing such contradictions as this, that on the one hand we have a treaty most solemnly guaranteeing the inviolability or the permanent neutrality of a country, and on the other hand the conviction on the part of the government of that country that it would not be justified in diminishing its army by one single soldier on the strength of this guarantee."[2] The reason for this apparently absurd paradox is that arbitration treaties by themselves, even combined with relative disarmament, do not remove the root causes of war. They do not secure justice.

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[1] "It is from 1860 . . . that modern militarism must be said to date and its greatest strides were in the last two decades before the War broke out. What two generations have created, one generation should surely be able to undo. It cannot be beyond our power to go back to the standards and the conceptions of sixty years ago."—Baker, *Disarmament*, p. 5.

[2] "What is most remarkable about the growth in military preparation . . . is the rapid increase in its rate as the catastrophe of 1914 came near. At the end of the century the speed increased: in ten years from 1898 to 1908 all the Great Powers among them increased their military and naval budgets by about £100 million—£10 million a year. For the next six years, from 1908 to 1914, the six Great Powers of Europe alone increased their budgets by more than £100 million a year."—*Id.* p. 4.

[3] See chap. VI, p. 241.

[4] See p. 10, note 1.

Enlightened public opinion, we are told, will suffice to secure the ratification and the sanctity of treaties[3] and there is no need for any clearly-defined sanction in the shape of an international police force. It is entirely unnecessary.

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[1] "Marching *pari passu* with this growing practice of appeal to arbitration is the sinister fact that nowhere are armies and navies diminishing in numbers and strength: rather are they increasing by leaps and bounds."—C. F. Goodrich in *The Nineteenth Century*, July 1911, p. 26.

[2] *War Obviated*, p. 19.

[3] "The mere adoption of rules of warfare will always be unsatisfactory as long as there is no effective sanction to secure their enforcement. . . . Such reasoning Mr. Root at the Fifth Plenary Session (of the Washington Conference) branded as cynical. He declared that the tremendous power of public opinion would enforce these rules—that no nation would dare to violate them. Yet they existed in 1914 and they were violated then. If in the future any power is bold enough, in the face of the outraged opinion of the world, to embark upon an offensive war, it will not have any qualms in using every possible means of enforcing it."—Buell, *The Washington Conference*, pp. 227–228.

Let us submit this argument to the practical test of experience. It is notorious that in pre-war days the chancelleries of Europe displayed no compunction in abrogating the clauses of a treaty, whether the other parties concerned agreed or not. In many cases they were not even consulted. The only consideration was the interests of the particular State and whether the risks of unpleasant consequences following upon action of this kind more than counterbalanced the advantages which it expected to derive.

The following are a few of the many instances of this nature.

By the Treaty of Paris of 1856 the Black Sea was neutralised and the number of war vessels which Russia might maintain therein limited. "In 1870 the Russian Government seized the occasion presented by the Franco-German War to escape from the obligations under which it lay, and issued a circular declaring itself to be no longer bound by that part of the Treaty of Paris which had reference to the Black Sea."[1]

In 1878 by the Treaty of Berlin it was agreed that the provinces of Bosnia and Herzegovina should be "occupied and administered" by Austria-Hungary. By the same treaty Bulgaria was constituted an autonomous and tributary principality of the Sultan. In 1885 the province of Eastern Rumelia drove out the Turkish Governor-General and formed a union with Bulgaria. On October 5th, 1908, the Prince of Bulgaria issued a declaration of independence, assumed the title of Czar, and announced that henceforward Bulgaria would rank as a Kingdom. Two days later the Emperor of Austria issued a proclamation to the peoples of Bosnia and Herzegovina by which the rights of Austro-Hungarian sovereignty and the order of royal succession were extended to them. The words "incorporation" and "annexation" were not referred to, but notification was immediately given to the Powers of the change in the status of the provinces.[1]

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[1] W. E. Hall, *International Law*, 8th edition, p. 410.

The invasion of Belgium in the early days of August 1914 by Germany, who had herself guaranteed the neutrality and inviolability of her neighbour, is an even better known instance of the small importance attached to a treaty when it stands in the way of the national interest.

Has there been any marked change of attitude during the ten years which have followed the signing of the Armistice? Despite the existence of the League, the Permanent Court of International Justice and the provision that treaties may no longer be kept secret, a number of treaties, conventions, etc., have never been ratified or have already been allowed to lapse, and are regarded as so much waste-paper.[2]

It may well be asked why public opinion did not immediately come to the rescue to prevent Polish aggression in the case of Vilna and the Rumanian occupation of Bessarabia. Why has public opinion not insisted upon the ratification and execution of the provisions of the Arms Conventions?[3] It is notorious that the traffic in arms still goes on as briskly as ever and is partly responsible for the anarchic conditions which persist in China. Why is it that public opinion does not outlaw those nations whose War Offices are still engaged in carrying on researches in chemical warfare ?[1]

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[1] Hall, *International Law*, 8th edition, p. 413.

"We felt that the arbitrary alteration of a European treaty by one Power without the consent of the other Powers who were parties to it struck at the root of all good international order."—Viscount Grey, *Twenty-Five Years*, Vol. I, p. 175.

[2] The most noteworthy example is the Arms Convention of September 10th, 1919 (see note 3). On June 17th, 1925, there was concluded at Geneva a Convention for the Supervision of the International Trade in Arms, signed by thirty-five States. On November 10th, 1929, it had been ratified by six of these. The Geneva Protocol for the Prohibition of the use of Asphyxiating or Poisonous Gases, concluded on the same day between thirty-eight States, had in the same period been ratified by thirteen of these. The Geneva Protocol of October 1924 was ratified by one State—Czecho-Slovakia.

[3] The Convention of St. Germain of September 10th, 1919, which laid down certain restrictions on the export and import of arms and ammunition, was signed by twenty-three States, including the British Empire, the U.S.A., Italy, France and Japan. The Second Assembly of the League (1921) resolved that the urgent importance of ratifying the Convention should be impressed on all the signatory States. The Nineteenth Session of the Council (London, July 1922) urged ratification on the Governments

The answer to these questions is that public opinion is an illusive, intangible force which at moments of crisis does sometimes exert considerable influence, but which is powerless to sustain a continuous pressure to avert these evils. Nations, like individuals, can only occupy their minds with one subject at any given time. Domestic affairs claim their chief attention, and it is only occasionally that they display any marked interest in foreign affairs. On the other hand, the interests represented by land-grabbers, armament firms, monopoly and concession hunters and the military hierarchies are always at work and their pressure is never relaxed for a moment.[2]

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which had not yet done so. On the eve of the Third Assembly (1922) came the refusal of the U.S.A. to ratify. " Since no Great Power would ratify unless the others were prepared to do the same, the Convention had from that moment to be regarded as dead and the Commission (the T.M.C.) adopted a resolution to the effect that the problem of the arms traffic ought now to be considered afresh ' with a view to finding the basis of a possible co-operation with the United States.' "—H. Wilson Harris, *Geneva*, 1922, p. 15.

[1] " Most of the civilised powers have signed the most solemn undertakings—in treaties made at Washington and Geneva—not to make use of gas in war : but their military policy is founded on the belief that these undertakings will not be observed."—Baker, *Disarmament*, p. 45.

" All important military powers are now engaged in elaborate chemical preparations."—*Id.*, p. 279.

" About three years ago (i.e. about 1922) the British regular army gave up the instruction of every soldier in defence against hostile gas. . . . One of the first acts of the late Labour Government was to reinstate some modicum of anti-gas instruction in the normal training of the army."—J. B. S. Haldane, *Callinicus*, pp. 33–35.

[2] In December 1904 an action was brought against Sir W. G. Armstrong Whitworth and Co. Ltd., by R. L. Thompson in respect of commission and other sums due in regard to orders for warships and war material in Chile, China and Japan in 1892–1898. Thompson, who had acted for the firm in Spain and Portugal in 1886 and subsequently in Argentina, was described by his counsel as occupying a position " somewhat analogous to that of a private diplomatic agent or ambassador."—*The Times*, December 16th, 1904, Cf. G. H. Perris, *The War Traders*, pp. 94–97.

What chance, therefore, has public opinion, however intelligent and disinterested it may be, of becoming an effective sanction under these circumstances?

It may be asked why the Assembly or the Council of the League does not step into the breach. Because they are both powerless. They possess no organised sanctions. In any crisis they are dependent upon the attitude displayed by one or two of the Great Powers, and this attitude is much more likely to be governed by interests than by justice. Under these circumstances the motto of the Assembly and the Council must necessarily be "Let sleeping dogs lie." Their primary business is to keep the peace at all costs; not to rectify abuses or even to insist upon the sanctity of treaties. It becomes necessary, therefore, to translate public opinion in advance into terms of sanctions, and this can be done through the establishment of an international police force which, as in the case of the civic police, will represent the determination of the community of States to secure justice, no less than to prevent aggression. Until public opinion has been able to constitute this organised force as its watchdog and protector the claims of justice will go by the board and the era of disarmament will be as far off as ever. On the other hand, if justice is assured, security becomes a reality and disarmament follows as surely as the day follows the night. When the judge and the arbitrator have been equipped with sanctions, national armaments will have lost their attraction and their use. Before many years have elapsed they will be regarded as the relics of a bygone age.

X

Justice and Friendship

THERE appears to be a disposition in some quarters to attach undue importance to international friendships. It is held that nations, like individuals, entertain sentimental feelings of attachment towards each other, and it is imagined that their political actions are governed by the existence of these friendships. It is therefore pertinent to enquire what the relationship is between international friendship and justice. Is it not possible that too much importance is attached to friendship? Two nations are assumed to be hostile or unfriendly towards each other. It is also discovered that their interests at some point or points appear to clash. The statesmen representing these two countries make the further discovery that their mutual interests in other quarters are menaced by a third Power. The fear which both of them entertain towards the third Power compels them to consider seriously their own differences and, as the result of conversations, they arrive at an agreement which is more or less satisfactory to both. At this point in the proceedings they have reached the stage described as an *entente*, which means that they have become friends and are willing to co-operate.[1] In the majority of cases this friendship only lasts so long as both parties are able to maintain a hostile attitude towards the third Power. Immediately this sense of fear is removed, the desire for friendship cools off and in a comparatively short time they may again find themselves in two hostile camps. "Is there any sense at all in the turning of the wheel of international policy, so that our enemies of yesterday are our friends of to-day, and our friends of to-day our enemies of to-morrow? "[1]

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[1] The opening of the twentieth century found England and France in severe antagonism. The strained relations of a decade had culminated in the Fashoda incident of 1898. In 1899, however, England's proposals for an alliance had been repudiated by Germany, whose armaments programme threatened the security of both nations. When they realised the danger from this quarter, negotiations were commenced for a settlement of outstanding disputes. The first sign of reconciliation was the conclusion of an arbitration convention between the two powers in 1903. In April 1904 was signed a treaty which not only terminated the dispute concerning the Newfoundland fisheries, which had been a cause of friction between the Powers since the Treaty of Utrecht, but contained the agreement of the Powers regarding their occupation of Egypt and Morocco and determining three causes of dispute in West Africa in favour of France. A supplemental secret agreement, based on the principle of reciprocal recognition of each other's liberty of action in Egypt and Morocco, respectively, gave each Power a free hand in those regions.—See G. P. Gooch, *Modern Europe*, pp. 264–337.

There is another kind of friendship which is based on some historical episode as, for instance, Mr. Gladstone's interventions on behalf of oppressed nationalities. The traditional friendships of Italy and Bulgaria towards the people of Great Britain are two examples. Bulgaria, however, was not prevented by this sentimental attachment from taking sides against Great Britain in 1915.

Friendships between nations may be of value, but on the other hand they may be exploited and exaggerated in order to serve some immediate purpose or policy when, for the time being, the interests of the two nations appear to be identical. When, however, interests clash with friendship, friendship always goes by the board. Even in those cases where nations have fought side by side and have shed their blood in a common cause, we find that after a few years this sentiment has entirely evaporated and once more they are exclusively absorbed in furthering their own selfish ends. They may even be found fighting against each other in opposing camps.[2] The lesson to be learnt from this phenomenon is that international relationships in the present condition of the world cannot be stable or secure if they are only based upon friendship. The reason is perfectly clear; in the evolution of world consciousness, justice comes before friendship. Real friendship cannot flourish if it is based upon injustice. Two individuals cannot be friends if they

[1] Sir Philip Gibbs, *The Hope of Europe*, p. 195.

[2] The classic instance is the Diplomatic Revolution of 1756. In the War of the Austrian Succession, terminated in 1748, England and Austria had waged war continuously against France and, intermittently, against Prussia. In the Seven Years' War, which began in August 1756, England and Prussia were arrayed against Austria and France. Italy in 1866 entered the Austro-Prussian War as the ally of Prussia. In 1915 she again entered a European war, this time with her former ally as her enemy. In the first Balkan War of 1912, Bulgaria, Serbia and other Balkan States had fought together against Turkey. In 1913 Bulgaria was at war with her former allies, and in 1915, in alliance with her enemy of 1912, she found herself again at war with her former allies.

are constantly being reminded that one or other is behaving in an unjust or, it may be, in a treacherous manner. If neither of them believes in the sanctity of contracts or in keeping good faith, how can they possibly be friends? If they share the belief that when their interests clash they possess the right of murdering each other, real friendship under these conditions is difficult to imagine.

So it is between nations, and until justice becomes effective the second stage of development, friendship, will never become truly operative.[1] It will never become a substitute for justice.

XI

The Urgency of the Problem

IT has already been pointed out that disarmament cannot be shelved indefinitely. The scientific achievements of the nineteenth century have during the last twenty-five years been applied to war. During this comparatively short period the capacity for destruction has increased a thousandfold.[2] If the process of scientific competition in armaments goes on unchecked during the next fifty years, these destructive agencies will have reached a point transcending our faculties of imagination.[3] In the hall of civilisation the hand-writing on the wall is unmistakable: it spells doom in capital letters.

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[1] " A new international law may be established, respected simply because every nation, haunted by the fear of devastating reprisals, will have an interest in making it respected. Then only fraternity may be able in some degree to make its appearance. From the walls on which this long-disgraced word has been vainly inscribed it will descend into men's hearts."—Le Bon, *The World in Revolt*, p. 92.

[2] " The engineer . . . had put into man's unchecked and careless hand a monstrous potentiality of ruin."—Sir J. A. Ewing in a lecture delivered to the Institute of Civil Engineers, June 4th, 1928.

[3] In an address delivered on September 4th, 1929, Professor Leonard Hill drew attention to a certain bacillus " which shall be nameless but is easily cultivated. It would appear that one gramme, say a saltspoonful, of the dry toxin would suffice to kill a million." The toxin acted if inhaled or if it fell on the eye as a powder. Professor Hill later disclosed further details of " Bacillus X," as he called it. It could, he said, be dissipated from the air in the form of a white powder from aeroplanes. In that form it would be deadly to everyone it touched.—*Times* of September 5th, 1929, and *Daily Telegraph* of September 7th, 1929.

Even though there are no further developments, the destructive potency of existing weapons is sufficient to ensure the annihilation of peoples and the total destruction of their cities. There is no need to exaggerate: the facts are clear and it only remains for us to realise their true significance.

Military experts used a striking expression to denote what in their opinion was the distinguishing characteristic of the last war. They described it as "weight of metal."[1] To the artilleryman "weight of metal" indicated the ability to pulverise a given area in a certain space of time by subjecting it to an intensive bombardment. To the military commander it signified enormous tanks, heavy guns and other warlike paraphernalia, the products of the foundry and the factory. To the naval commander "weight of metal" was represented by the modern battleship, its armour-plating and the calibre of its guns. But its true significance is that war has now become a struggle of machinery where brain counts for everything and muscle counts for little.[2] Courage, bravery and daring are at a discount in comparison with scientific discoveries and inventions. If "weight of metal" is the significant phrase applied to the last war, it is probable that "volume of gas" will equally describe the outstanding feature of the next Armageddon. Poison gas is a new variety of ammunition which, unlike the old killing agencies, is specially adapted for attacks upon civilian populations. Great cities described as nerve centres in an enemy's country,[1] the seat of his government, the source of supplies for his fighting services and civilians, are menaced to a degree hitherto undreamt of. The distinction drawn between the fighting forces and the civilian population wore thin during the last war; in the next it will probably disappear altogether.[2] Logically, there is no reason for this distinction when every man and most women are engaged directly or indirectly in the prosecution of hostilities.[3] "Silver bullets" are now regarded as a species of ammunition without which a war cannot be financed. Consequently the financier and the banker play their part in the operations. The farmer, producing food, contributes his share, and his rôle is just as important as that of the infantryman or machine-gunner. The woman engaged in manufacturing shells or the girl in the chemical factory is just as much a combatant as the man who discharges these shells or gases at the enemy. Disable one, and the other becomes useless. They are links in the same chain. They will all be regarded as fair game and will become the victims of a combination of air and gas attack in the next struggle. No longer can war be regarded as a game or sport confined to experts or regular armies. It has now literally become a matter of life and death to entire nations. Its frontiers cannot be restricted. Its highway is the air: its ammunition, poison gas. But, says the optimist, governments will never dare to bombard civilian towns for fear of reprisals. What will it profit the French nation that

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[1] "The decisive value of an overwhelming weight of metal."—Baker, *Disarmament*, p. 116.

[2] "Animal superiority over animal is based on muscle; human superiority over human is based on brain. The nation with the supreme brain will eventually rule the world and so long as war continues the army with the best brains (which also means the best weapons) will accomplish victory with the least loss. Our army from to-day must step forward: 'to advance is to conquer,' and this applies in greater force to brain power than to muscle power, for brains control muscles."—Col. J. F. C. Fuller, *Tanks in the Great War*, p. 320.

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[1] "Aircraft will inevitably be used for the bombardment of large cities."—Baker, *Disarmament*, p. 272. Cf. Col. J. F. C. Fuller, *On Future Warfare*, p. 316 *et seq.*

[2] "We are to have killing by wholesale instead of retail: and killing, unless I miss my guess, aimed directly at civilian populations."—W. Irwin, *The Next War*, p. 53.

[3] "These military critics (the T.M.C.) held that it was impossible to consider modern war at all except as a clash of nations in arms, of entire peoples making use of all the resources which the whole of their economic and industrial systems could bring into play."—Baker, *Disarmament*, p. 86.

Berlin lies in ruins if Paris becomes ashes on the morrow? This argument might carry weight if it was addressed to reasonable people, but it must be remembered that in war the national mind becomes unhinged. Everyone is more or less mad, and statesmen are driven by popular feeling to insane acts. For the time being, nations become possessed of a devil, and the temptation to reach a swift decision by placing the enemy's government or his sources of supply *hors de combat* will be irresistible.

These views are not based on theory: they are founded upon the facts of experience. Can any more dastardly crime be imagined than the sinking of the *Lusitania*? Yet to soak London in mustard gas or Lewisite[1] is merely to perform the same operation on a larger scale. It is simply a question of degree. Similarly, if it is permissible to starve a nation into submission as the Allies endeavoured to starve Germany, it is only doing the same thing, and doing it more humanely, to poison the inhabitants wholesale and thus bring hostilities quickly to an end.

The truth is that no one can foresee or prophesy to what lengths nations may go in future wars. They need not overstep the operations of the Great War; they need only expand them to compass the downfall of civilisation.[2] But it is even possible that particularly ambitious or unscrupulous rulers might attempt to depopulate a whole country in order to secure an outlet for their own surplus population. Such a motive is hardly conceivable, but history furnishes examples of fanatical zeal which stopped short at no outrage if it could produce the desired result. To men imbued with these insane ideas, the end justifies the means, and they regard acts of violence committed on a colossal scale as a duty which they owe to their fellow-countrymen or to their particular sect or party. Such, for instance, to quote only a few examples, were the massacre of St. Bartholomew, the Revolutionary terror in France, the systematic extermination which marked the Russian territorial advance to the East during the nineteenth century[1] and, in more recent times, the slaughter of the Armenian population in the Turkish Empire[2] and the inauguration of the Bolshevist regime in Russia. Prior to 1900 the means wherewith to execute these nefarious plans was in some degree limited by the character of the available weapons. To-day, these means are unlimited. Wholesale and colossal slaughter can be easily effected by the employment of the weapons which modern science has produced.[3] Consequently, the problem of thwarting these criminal designs, however fantastic they may at the moment appear, is urgent and cannot be solved unless the nations are prepared to invest the international authority with the power of affording them security and protection.

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[1] The gas prepared by the United States Chemical Department for the campaign of 1919, but never used. Of this gas, General Bradner, chief of the Chemical Research Division of the U.S. Chemical Service, said: "One plane carrying two tons of this liquid could cover an area 100 feet wide by seven miles long in one trip and could deposit material to kill every man in that area by action on his skin. If the men were not protected by gas masks, which would be the case if the attack were made on a city, the fatal area would be several times as great. . . . During the Argonne offensive in the past war the entire First American Army of a million-and-a-quarter men occupied an area of 40 kilometres long by 20 wide. If Germany had had 4,000 tons of this material and three or four hundred planes equipped for its distribution the entire First Army would have been annihilated in ten to twelve hours."—Quoted in Irwin, *The Next War*, pp. 46–47.

[2] "The civilisations created by long centuries of effort would suffer the fate of the great Asiatic empires, which disappeared utterly from history after filling the world with the legend of their fame."—Le Bon, *The World in Revolt*, p. 249.

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[1] See *Cambridge Modern History* (hereinafter cited as *C.M.H.*), Vol. XI, pp. 273, 631–633 ; Vol. XII, pp. 342–345.

[2] See *The Treatment of Armenians*, Cd. 8325, a comprehensive collection of evidence relating to the massacres of 1915–1916, prepared by Viscount Bryce.

[3] For graphic pictures of possible developments of future warfare, see F. Britten Austin, *The War God Walks Again* ; E. F. Spanner, *The Broken Trident* ; and Lord Halsbury, *1944*.

XII

International Stability dependent upon Sanctions

THERE is another aspect of the problem affecting the stability of international relationships which cannot be divorced from the question of sanctions. History shows that there is a constant interplay between forces operating in the domestic or internal politics of a country and the wider circle of international affairs. The repercussion between national and international events is constant and unfailing.[1] If a revolution takes place in one country, its reactions are felt all over the world. Even pacific acts, such as the Bloodless Revolution of 1830, may produce upheavals in other States far removed from the originating disturbance.[2] A wave of popular passion sweeps over a country and engulfs the nation for the time being. Frequently this demonstration is associated with some political idea or slogan which invests it with the character of a crusade. If the crusade confined itself to a particular nation, little harm would follow, but in so many cases the army sweeps over the frontiers, animated by missionary zeal, with the object of forcibly converting its neighbours. Consequently what was at the outset a purely domestic episode assumes the character of an international dispute. It follows that other States may become the victims of a movement originating entirely outside their own sphere.[1] They are swept along with the tide and find themselves in the maelstrom of a great war. Such instances will readily occur to us.

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[1] The consequences of the invasion of Silesia by Frederic the Great have been dealt with by Macaulay in a famous passage. "The whole world sprang to arms. On the head of Frederic is all the blood which was shed in a war which raged during many years and in every quarter of the globe, the blood of the column of Fontenoy, the blood of the mountaineers who were slaughtered at Culloden. The evils produced by his wickedness were felt in lands where the name of Prussia was unknown; and, in order that he might rob a neighbour whom he had promised to defend, black men fought on the coast of Coromandel and red men scalped each other by the Great Lakes of North America."—*Essay on Frederic the Great.*

In more recent times Lord Curzon said of the Russo-Japanese War: "The reverberations of that victory have gone like a thunderclap through the whispering galleries of the East."—P. E. Roberts, *Historical Geography of India*, p. 567. See, too, p. 45.

[2] *C.M.H.*, Vol. X, p. 100.

One of the best-known examples of an attempt to spread a particular culture by means of the sword is the rise of Islam. The followers of Muhammad spread his religion by means of war and for some ten centuries were a danger to their non-Moslem neighbours. In this way the Muhammadan Empire was extended from India to Vienna, from Russia to Central Africa. The French Revolution of 1789 was the outcome of many centuries of oppression of the Third Estate by Kings, Lords and the Church. It resulted in a crusade to carry the principles which the Third Estate had won in France itself to the rescue of other oppressed nationalities. " They regarded themselves as having a mission to carry the doctrines of the French Revolution and the Sovereignty of the People into all countries; they declared themselves on 19th November (1792) ready to wage war for all peoples upon all kings; and, in disregard of all international obligations, they declared the Scheldt, which by treaty had been closed to commerce for years, a free river, because it had its source in a free country." [2] It is interesting to note that Robespierre condemned this enterprise.[3]

Every imperialistic nation believes that it has a mission which it endeavours to carry out by force of arms. For instance, the German Emperor never failed to impress upon his audiences that German Kultur must be carried to the ends of the earth.[4]

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[1] " One nation may learn, but may yet be involved in the misfortunes of a continent that does not learn."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 277.

[2] H. Morse Stephens, *Revolutionary Europe*, p. 118.

[3] Cf. Alison, *History of Europe*, Vol. II, p. 425; Lavisse, *Histoire de France Contemporaine*, Vol. I, pp. 340–344.

[4] " Use your weapons in such a way that for a thousand years no Chinese shall dare to look upon a German askance. Show your manliness. . . . Open the way for culture once for all."—July 27th, 1900, C. Gauss, *The German Emperor*, p. 166.

In these and similar cases war was forced upon nations by circumstances over which they had no control. The doctrine of non-intervention in the affairs of another State had been repudiated and no international authority existed armed with the requisite sanctions to prevent the interference.

It cannot be affirmed that continuity of foreign policy is a maxim enshrined in the chancellories of Europe. It may be enshrined, but it is more often honoured in the breach than in the observance. The fact is that there can be no continuity of foreign policy any more than in other forms of political activity which rest upon the shifting sands of public opinion, on new leaders, new parties and new constitutions. A State may elect to-day to join the League. It may sincerely declare its allegiance to the policy of peace and forswear its intention of ever becoming an aggressor. It may even consent to equip the League with sanctions. But the day will come when the control of its destinies has passed into the hands of new leaders and of new parties " which knew not Joseph." These new political forces may become a source of strength or, on the other hand, they may become a danger to their own peoples and a menace to their neighbours. Frederic the Great, Napoleon, Bismarck, Hideyoshi[1] and a host of other military leaders or great war administrators may be cited as examples. They all represented national policies and moods culminating in endless wars.[2]

In the modern world public opinion, expressing itself through political parties, is constantly changing. The development and even the continued existence of the association of nations is always at the mercy of some violent national convulsion or change of domestic policy which is reflected in the government of one of its members. It does not even follow that at any given moment a particular government really gives effect to the foreign policy which commends itself to the majority of the electors of the State. Even though in 1919 American opinion wholeheartedly supported the establishment of the League of Nations, the Republican caucus engineered the rejection of the Covenant mainly for party reasons and in order to discredit President Wilson.[1]

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[1] Cf. Ballard, *Influence of the Sea upon the Political History of Japan*, p. 44 *et seq.*

[2] " The peoples are sometimes even more bellicose than their rulers." —Le Bon, *The World in Revolt*, p. 247.

In 1924 the Conservative Party in Great Britain was defeated at the polls and, as a consequence, the Draft Treaty of Mutual Assistance[2] framed at Geneva was repudiated by its successor, the Labour Party. Later in the same year the Conservatives returned to office with the result that the Protocol[3] was lost. In neither of these cases were the people of Great Britain directly consulted as to whether they approved or disapproved of the provisions contained in either of these documents. The elections were mainly fought on other issues, domestic in character. No opportunity was afforded to the people to pass judgment on either of these schemes upon which the whole future and progress of the international authority rested. The Draft Treaty of Mutual Assistance might have been amended and the Protocol modified, but neither of these courses suited the tactics of the party managers. The truth is that under the existing political constitutions and arrangements no government has time to concentrate its efforts on behalf of peace.[1] And yet, if war cannot be prevented, social reform is an illusion and retrenchment folly. As President Wilson pointed out, it does not necessarily follow that a " League of Governments " and a " League of Peoples " are synonymous. As the years speed past, constitutions may go into the melting pot and democracy may be at a discount. In Spain and Italy, Primo de Rivera and Mussolini assumed dictatorial powers; no one can tell what the repercussions may be in international affairs. If an explosion takes place in any country, other nations will also be compelled to suffer and their progress will be retarded. We are all members of one body. The internal unrest may be transformed into an international crusade, and the wrath of the people against their rulers may be diverted into the channel of hostility against their neighbours. Thus the Genro defeated the opposition in the Japanese Diet, and turned away the rising tide of democracy which for five years had threatened the power of the clans and the Emperor, by waging the Chino-Japanese War of 1894. " The China War revived the militarism which had lain dormant since 1873. . . . The voices of the persistent critics of the Government were stilled, the hackneyed Opposition demands for responsible Cabinets, for the destruction of the clans, for financial and administrative reforms, gave place to the cry, ' On to Peking ' "[2]: When the realists gain the ascendancy in the national councils, when democracy is stifled and public opinion is gagged, no matter what peaceful professions may hitherto have been proclaimed, that State will drift into a policy of war unless in the minds of its leaders there are strong considerations which render the possibility of success extremely doubtful. In the old days they would have been guided by the doctrine of Clausewitz: "War is . . . intended to compel our opponent to fulfil our will . . . a real political instrument, a continuation of political commerce, a carrying out of the same by other means."[1]

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[1] That millions of the American people in the presidential election of 1920 who voted Republican supported the League of Nations is the thesis which Samuel Colcord sets out to prove in *The Great Deception.* There were, he says, ten million pro-League Republicans who voted for Harding. Wilson's refusal of the Lodge reservations in March 1920 robbed his party of the support of any of these. " Millions of pro-League Republicans who had been eager to sink partisan considerations and vote the Democratic ticket . . . distinctly as friends of the League of Nations . . . desired to entrust the government to other hands and another party."—*Id.*, p. 24. " The great majority of the unparalleled vote that made Senator Harding President was cast . . . in favour of our entry into the existing League of Nations qualified by the Lodge reservations."—*Id.*, p. 40.

[2] See chap. III, p. 138 *et seq.*

[3] See chap. II, p. 81 *et seq.*

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[1] " If I remember the figures aright, since 1920, probably forty-five Conventions have been drawn up by the League, of which twenty-two have made no progress at all, or practically no progress, because of the absence of sufficient support: and I imagine it is true of the other twenty-three that they have not received anything like the number of ratifications which is desirable in existing conditions."—Rt. Hon. W. Graham, September 9th, 1929, *Records of Tenth Assembly: Plenary Meetings*, p. 78.

[2] W. W. McLaren, *A Political History of Japan*, pp. 229–230. Cf. Buell, *The Washington Conference*, pp. 365–366. A somewhat similar incident occurred in 1866 when Bismarck, in defiance of the Prussian Parliament and public opinion in Germany, carried on the government of the country and went to war with Austria.

But, even under the new dispensation and in spite of their adherence to the Covenant and the Pact of Paris,[2] they will not be deterred from precipitating a war if they consider that the interests of their State or party can best be served by adopting this course. The only argument which rulers of this type—and, for the moment, the nations they represent—understand is the argument of force. The League as it is at present constituted may mean little more to them than a cloak under which they hope to hide their nefarious designs. But if, on the other hand, it possessed an overwhelming force, it can be confidently asserted that their attitude would be entirely changed. They would realise the futility of acts of aggression and would be compelled to divert their energies into peaceful channels rather than provoke the military ardour of their peoples by dreams of conquest and aggrandisement.

As Abraham Lincoln would have said, "You can include some of the nations all the time, you can include all the nations some of the time, but you cannot include all the nations all the time." This dictum can be applied to the behaviour of nations as sincere adherents of the League or the reverse. It is hopeless to imagine that all the nations, with their ever-changing internal administrations, will be able simultaneously to live up to the standard of international justice which membership of the League implies or that they would all be willing, at precisely the same moment, to extend its functions and expand its organisation. The failure to ratify the Protocol of 1924 and the sterility of the disarmament conferences afford the most recent examples of the unsatisfactory arrangements which now retard the progress of the League. The importance attached to domestic affairs must not be allowed to overshadow the vital and common interests which unite the nations.[1] The conclusion is obvious that as the seeds of war lie deep in domestic policies and the future of each State is at the mercy of its neighbours, it is not unreasonable to ask that all States should provide hostages for their future good behaviour. What better guarantee can they provide, what surer pledge can they offer, than participation in the creation of an international police force ?

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[1] General Carl von Clausewitz, *On War*, I, 1, 2 and 24.

[2] See p. 11, note 2.

XIII

The League a Protective Agency

ALLUSION has already been made to the League as a protective agency. The world to-day is split up into various strata of civilisation. The result is a conflict of ideas which means that the most progressive States fail to secure the advantages to be derived from the growth of any international organisation owing to the backwardness of their neighbours. Hence it follows that the rate of advance is dictated by the pace of the slowest-moving community. It is wrong to suppose that the League, or any international organisation, tends to stereotype or retard the growth of each individual State. Given freedom to develop and security from aggression, each State will progress on its own lines much more rapidly than it does at present. National interests in cultural, economic, scientific and literary spheres will blossom forth under the protective agency of the League. It is war, preparation for war and the fear of war which are the real enemies of progress, individuality and true sovereignty.

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[1] "The only sound basis for such an agreement would have been a sense in the Great Powers that the common interest of all of them in peace was so great as to transcend the special interests of each. . . . Militarism . . . held the contrary view, that the opposing interests of nations are the dominant factors."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 51.

How is a protective agency to be established which will "hold in awe" these conflicting interests and ideas? It is apparent that the League's existing organisation will never be able to provide this protection. That it may develop into such an agency is possible, but not until the nations are prepared to endow it with adequate sanctions.

XIV

The Function of the League

IT is unfortunately true that as an instrument for preventing war and administering international justice the League falls short of the ideal which its framers had in mind.[1] Its most ardent supporters fully realise that it has not yet become the perfect organisation for achieving these ends. The judicial and arbitral machinery is at present defective and requires to be enlarged and improved. During the discussions which preceded the drafting of the Protocol in 1924, it also became clear that there were many gaps in the Covenant, that it was not watertight and that its scope would have to be extended in order to embrace every possible dispute which might arise.[2] Moreover, it was apparent that the Council in its present form could scarcely be regarded as an ideal executive authority, especially if it was charged with the duty of applying international sanctions. Since 1926 the Council has been enlarged by the inclusion of insignificant States in remote parts of the world which neither possess moral influence nor effective power. This act was consummated at the moment when Germany entered the League, and can only be regarded as a retrograde step tending to weaken the executive functions of the Council. The enemies of the League who wished to bring it into disrepute could hardly have conceived a more damaging proposal than that of adding Salvador, Persia and Venezuela to that body.

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[1] See chap. III, p. 136 *et seq.*

[2] "If the Council fails to reach a report . . . the members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice."—Article 15 of the Covenant of the League. "The framers of the Peace Treaties and the Covenant did not expect to make war wholly impossible even among civilised states. . . . The Protocol endeavours to fill in the outlines."—Sir F. Pollock, *The Covenant and the Protocol*, pp. 3, 6. Cf. H. W. Harris, *What the League of Nations Is*, p. 49; Madariaga, *Disarmament*, p. 64.

If this policy is contrasted with President Roosevelt's scheme[1] it is obvious that the League, by weakening the authority of its executive, tends to give ground to "interests" and becomes less concerned with the application of justice. It is not suggested that the smaller nations should be excluded from the Council. On the contrary, their inclusion is vital. At the same time, it is equally fatal to rush to the opposite extreme, to transform the character of the Council from an executive into a deliberative body, and to give undue weight to the smaller members of the international community. Such a policy is bound to weaken the authority of the international organism, and can be defended neither on grounds of justice nor expediency.[2]

It remains for future Assemblies to remedy this blunder or for those States at present outside the League to insist upon the reorganisation of the Council as a condition precedent to their entry.[3] They should insist that the Council be reconstituted in such a way that it may become a real and business-like executive authority within the framework of the League. The incomplete codification of international law, the insistence upon unanimity in the decisions of the Council and Assembly and, still more important, the non-inclusion as States-members of the United States and Russia, all militate against the effectiveness of the international authority. It is argued that until these matters have been disposed of it is premature to discuss the question of sanctions. It is also maintained that sanctions, when they are needed, will arrive in due course of their own volition, but that until the existing organisation of the League has reached a certain standard to discuss the creation of an international police force is unwarranted. Consequently, it is assumed that the discussion of sanctions is unprofitable and that this aspect of the problem should be ruled out of practical politics.

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[1] "No Power should be admitted into the first circle, that of the contracting Powers, unless it was . . . able to do its part in enforcing the decrees of the Court."—Theodore Roosevelt: *Why America Should Join the Allies*, p. 47.

[2] Contrast the proposals of Roosevelt: Appendix C.

[3] See chap. XIII, p. 514 *et seq.*

On the other hand, it may be asked how many years will have elapsed before the standard of perfection has been reached, when the provision of sanctions may become a live issue. Are we to wait until codification is complete, until the Council becomes a perfect instrument, and until every gap in the Covenant has been closed ? What is to happen in the meantime ? How is disarmament to be achieved ? How is security to be guaranteed and justice safeguarded ? How is the risk of civilisation being overwhelmed in the welter of the next scientific war to be overcome ? These are questions which will not brook delay : their solution cannot be postponed indefinitely. The truth is that it is impracticable to separate them into watertight compartments, or to lay down any general rule that preferential treatment should be meted out to any of them. They are all part and parcel of the same puzzle and, treated simultaneously, they will fall into their proper perspective in the final solution of the problem.[1] If this is conceded, then it follows that the present constitution of the League coupled with the practical proposals for its improvement and expansion contained in the Draft Treaty of Mutual Assistance, the 1924 Protocol, the Treaty of Locarno and similar pacts constitute a sufficient basis in themselves for the consideration of the creation of an international police force.

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[1] " Or shall we have to wait ? To wait till the codification of international law will be completed in 1980, and the international administration of justice perfected in 2060 ? But in the case of codification and arbitration the building was commenced from two sides at once,

XV

Practicability

IF the conclusions already reached—that the prevention of war depends upon the ability of the League to secure justice, that justice cannot be achieved without disarmament, that disarmament is dependent upon security and that the basis of security is the provision of sanctions—are correct, it follows that the scientific organisation of an international police force enters into the realm of practical politics. It cannot be excluded. It is true that up till now it has been regarded as a chimera, but it must be remembered that, for the first time in history, the foundations of a world edifice have been laid. Has the time not arrived when the materials for this section of the building can be brought together on the site? Can the world afford to wait until another devastating struggle has taught the nations that the "Palace of Peace" cannot be completed until the Department of Sanctions has been included? In the twentieth

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it being realised that the rearing of one side only would result in a useless and unstable fragment. Does not the same argument apply to the enforcement of international law? Will anyone, when a battleship has to be built, first have the hulk constructed: when that is finished, the engines: then the electric apparatus: and finally the guns and the turrets? Then why do so in this case? . . . It would be most dangerous to let the establishment of an international police precede codification, but it does not follow that this force need wait till such codification will be complete, fifty or eighty, or a hundred years hence. The practical and sensible course is to place each chapter of international law, once its codification is an accomplished fact, under the care of a tribunal on the one hand and an executive on the other."—Van Vollenhoven in *War Obviated*, pp. 55, 66.

century, has not the organisation of sanctions become a practical proposition?

An attempt will be made in the ensuing chapters to answer this question. It will be shown that during the last twenty-five years science has placed in the hands of man new weapons capable of being scientifically organised for this purpose. The main thesis is that for the first time in history it is possible to differentiate between those weapons which should be allocated to an international force and those which should be retained by each individual nation. Further, that by an arrangement of this kind it will be possible to provide international sanctions without encroaching upon the efficiency of those organised forces which are required to maintain internal order in each individual and sovereign State. Hitherto no scheme has been suggested under which the international authority might wield overwhelming force, operated by a comparatively small personnel, without impairing the effectiveness of the police forces at the disposal of each State, and which are essential to their cohesion and stability. It will also be shown that applied science has wrought this revolution and has presented to the nations the means and the opportunity of securing justice, disarmament and security for all time. It is not proposed to discuss what the nations want, but what is within their grasp if they are determined to work out their own salvation. They may prefer to march forward to destruction, to perish rather than to learn. If this be the case, let them do so with their eyes open. On the other hand, if there really exists the combined will to peace, let it be expressed through the scientific organisation of an international police force based upon the voluntary assent of all those nations which participate in the scheme. As such, the sanction becomes the practical expression of public opinion in those States which join together for this purpose. Only by pooling their national armaments will they be able to obtain justice, achieve security and disarmament, and save civilisation itself from the abyss.[1] The statesmen of the nineteenth century were confronted with the same problem, but they never possessed the means wherewith to solve it. Their successors hold the solution in their hands. Will they be content to ignore it? Will they evade the vital question by assuring their peoples that all is well, that boards of conciliation and international courts of justice, supplemented by arbitration treaties, conventions, protocols and other documentary instruments, are a sufficient guarantee for the maintenance of peace? Will they wring their hands in despair and repeat the dictum of Lord Balfour who, after remarking that "he was almost more disturbed by peace movements than by talk about war," said, "For these demonstrations do not deal with the real causes of war: they just put up a paper screen, painted to delude the people of goodwill all over the world into thinking that something is really being done to prevent war, while in reality behind the paper screen the forces of militarism are sharpening their knives all the time."[2] Or, on the other hand, will they remove the knives from the hands of the militarists and steadily pursue a thorough-going League policy? Will they ensure that henceforward force can only be used to secure justice? The answers to these questions lie hidden in the bosom of the future. In the words of Sir Austen Chamberlain on the eve of the signing of the Treaty of Locarno, "Fear, haunting, restless, brooding fear, haunts the councils of every nation and the homes of every Continental people—fear that warps the judgment and deflects the policy, which leads to irritating acts, to fresh provocation, which renews day by day the offences of the war, the bitterness of the war, the rancours of the war. If this continues, sooner or later Europe will march to a new Armageddon. It will not be in my time, it may not be in the time of most of those whom I am addressing, but unless you can get away from this atmosphere of fear and suspicion, from this attitude of armed camps, then, if not in my time, in my children's or my grandchildren's time, Europe will be given up to a new struggle, and a generation which has to pay the penalty of that unnecessary war will judge harshly the statesmen of to-day who failed to take in time the measures by which it might be prevented." [1]

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[1] "For I cannot repeat often enough that the leading idea of this proposal is this: to try and establish in two successive stages that universal peace which the majority of publicists hope to attain in one. This first step must lead us to the arming of the Community of Nations, conjointly with national disarmament; the second purposes the gradual disarmament of these collective forces, except for the upkeep of a police force, similar to those which maintain order in each separate country."—Van Vollenhoven, in *War Obviated*, p. 79.

[2] Cf. P. Kerr and L. Curtis, *The Prevention of War*, pp. 14 and 15.

Future generations will pronounce their verdict. In the words of the immortal poet, Lindsay Gordon, " We know not, yet hope for the best." [2] Let us also work for the best.

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[1] Sir Austen Chamberlain, March 24th, 1925, *Commons Debates*, 5th Series, Vol. 182, Col. 322.

[2] A. Lindsay Gordon, *Bellona*.

CHAPTER II

HISTORICAL

"Onward! Onward! toiling ever,
Weary steps and slow,
Doubting oft', despairing never,
To the goal we go."
A. LINDSAY GORDON.

I

Introductory

KING SOLOMON expressed the opinion that there was nothing new under the sun. This dictum is certainly true of the subject of this book. The idea of international sanctions can be traced at least as far back as Greek civilisation. Since that remote age it has been reiterated on many occasions, but in spite of the buffetings and scourgings endured by mankind, which at times have threatened to submerge the whole human race, the nations still resolutely decline to submit themselves to the reign of law. It is an appalling thought that after so many centuries have elapsed, so many civilisations have come and gone, so many religions have been professed and so many sanguinary wars have been fought, modern civilisation—if such it can be called—still gropes in the dark and lags behind the conceptions which governed the mutual relationships of the Hellenic peoples more than two thousand years ago. In the succeeding centuries history records struggle after struggle; tribe against tribe, dynasty against dynasty, republic against republic, nation against nation, empire against empire. It is the same story: wars and rumours of wars. "They fly forgotten as a dream dies at the opening day."

If we believe that the human race, impelled by a divine though inscrutable purpose, plods slowly onward "to some viewless goal," it is indeed sad to contemplate that, in spite of all the knowledge and discoveries already achieved, the nations should still endeavour to settle their disputes by wholesale murder. The human mind, fashioned in the image of its Creator, has delved into the mysteries of art, literature and science. Its storehouse of knowledge has expanded at an ever-accelerating rate. Slowly but surely its moral fabric has been strengthened. Nevertheless, in this generation, nearly two thousand years after the message of peace and goodwill reached a sorely stricken world, nations have failed to consecrate force to the only purpose for which it can morally be used. Far from loving each other, they have not yet been able to discover the means of dispensing justice in the realm of international relationships. Even to-day they appear to be content with a haphazard, loosely-knit association of nations which is able neither to guarantee the security of its members nor to effect the disarmament of their forces. Well may we exclaim with Dante, "O! Race of mankind! what storms must toss thee, what losses must thou endure, what shipwrecks must buffet thee, as long as thou, a beast of many heads, strivest after contrary things."[1]

It is pertinent to enquire what attempts have been made in the past to provide international sanctions. With this end in view, it is proposed to examine the schemes which have either been actually put into operation or have been suggested, and to consider the pronouncements of eminent publicists who have expressed opinions upon this subject. With the other aspects of international organisation it is not intended to deal except in so far as they are directly concerned with the problem of sanctions.[2]

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[1] *De Monarchia*, I, xvi.

[2] Other schemes for an international police force and pronouncements of statesmen and publicists on sanctions will be found in Appendices B, C and D.

The city-states of ancient Greece were sovereign powers. Each possessed a highly developed judicial system which ministered to the internal needs of these communities. It is only natural that the statesmen and writers of those times should have applied the same legal maxims to the mutual relationships of their city-states. In these civic systems was incorporated the idea of sanctions : law was not law unless it could be enforced. Coercion might assume different forms. It might be a religious sanction, the wrath or displeasure of the god, or it might involve the use of physical force, a police sanction. But whatever form the sanction assumed, it represented an integral part of the Hellenic systems of municipal law. It is, therefore, not surprising that we should also find its embodiment in the treaties and federal constitutions so characteristic of the civilisations of ancient Greece. Aristotle expressed this opinion when he said, " The world is not intended to be disposed in evil order ; 'in a multitude of rulers there is evil, therefore let there be one prince.' "[1]

II

The Amphictyonic League

THE Greeks appear to have been the first to recognise that war was a poor alternative for settlements dictated by reason ; that, at any rate, it should be limited in its scope, and that some attempt should be made to substitute for it the process of law.

One of the first experiments of this kind is to be found in the Amphictyonic League.[2] Whilst this League did not endeavour to prohibit war, it recognised that in hostilities between its members a limit should be imposed on " frightfulness." All the members solemnly swore to abstain from certain acts as between themselves. Moreover, if any State-member should violate its oath, all the other members agreed to inflict summary punishment upon the recalcitrant State. To this extent, therefore, the Amphictyonic League applied a sanction to the oath which each State-member was required to take. This oath was as follows: "I never will destroy a city within the Amphictyonic Confederacy, nor drive its inhabitants from the running stream, either in war or peace: if any one violates this oath, I will take up arms against him, and utterly destroy his cities to the ground: if any one sacrilegiously plunders the treasures of Apollo or is privy to such impiety, or shall form any design against whatever is contained in his Temple, I will with all my faculties, feet, hands and voice, avenge the god."[1]

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[1] *Metaphysics*, xii, 10, quoting Homer's *Iliad*, II, 204 ; quoted by Dante, *De Monarchia*, I, 10.

[2] For an account of the Amphictyonic League see G. Grote, *History of Greece*, Part II, chap. II ; E. A. Freeman, *History of Federal Government*, Vol. I, chap. III, and *E.B.*, 14th edition, Vol. I, pp. 841–842.

Not only does the oath endeavour to set a limit to the violence which any of these States could employ in a war amongst themselves, but it also shows that they realised the oath would probably not be kept unless all the States-members were prepared to punish the member which violated it. In this case, the aggressor was the State which destroyed a city, cut off the water supply of its neighbours or pillaged the Temple of Delphi. Presumably it might still indulge in other forms of warfare, but these three acts were debarred. If a State was guilty of committing any of these offences, all the other members would proceed against it "with all their faculties, feet, hands and voice."

It would appear that this sanction was considerably in advance of any coercive action contemplated in Article 16 of the Covenant of the League of Nations. There were no reservations, and each State was pledged in advance to throw all its weight into the scales to prevent any infringement of the oath. Some of the statesmen who meet at Geneva seem content to place a premium on "voice." They certainly rate "hands" and "feet" at a discount. Yet, if the latter are left out of account they may be used to defeat the ends of justice. How much more drastic, logical and practical were the sanctions applied by the Amphictyons.

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[1] Aeschines, *De Falsa Legatione*, chap. xxxv, trans. Francis, p. 202.

III

The Confederacy of Delos

UNDER the auspices of the Confederacy of Delos[1] the idea of sanctions is carried a stage further. This League, with Athens at its head, included the Hellenic cities of Asia Minor, many of the Ægean Islands, the Cyclades, Euboea and other cities on the shores of Thrace and Propontis. It was a league of maritime States, and the basis of the common agreement was that each State should provide ships for a united fleet. Many of the smaller States could not build ships, so they paid sums of money to a common treasury at the ancient temple of Apollo on the island of Delos.

The Council of the Confederacy met at Delos, and each member had an equal vote. The fleet was formed to protect the Confederacy against Persia, to police the Ægean Sea, infested with pirates, and to enforce the sanctions of arbitral awards when disputes had arisen between the members of the Confederacy.[2]

It will be seen that the Delian League provided the first example of the establishment of an international navy and police force.[1] At the outset each member of the Confederacy was an independent and sovereign State. Each contributed to the maintenance of the joint force, either by way of ships or money. It appears that Athens possessed docks and skilled workmen. Consequently, the triremes and penteconters were built more expeditiously by the Athenians than by their neighbours. As many of the other members commuted their contribution in ships into payments of money, Athens eventually secured a monopoly in the construction of war vessels.[2] To this development may be attributed the dominant position which Athens occupied at a later date when she transformed the League into a maritime empire under her control, forcing the other members to provide military assistance in addition to the fleet and imposing upon them democratic constitutions similar to her own.[3]

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[1] The Confederacy was framed in 477 B.C. The transfer of the Treasury from Delos to Athens, which marks definitely the consummation of the change of the Confederacy into an Empire occurred in 454 B.C. The history of the League is to be found in G. Grote's *History of Greece* (edited by J. M. Mitchell and M. O. B. Caspari) at pp. 272 *et seq.*, 285 *et seq.*, 365 *et seq.* and 788–792. A summary of the League and its history will be found in E. York's *Leagues of Nations*, at pp. 25-28, and in *The Universal History of the World*, at pp. 1229–1232 and 1392–1396.

[2] "It was an indispensable element of that confederacy that the members should forego their right of private war among each other and submit their differences to peaceable arbitration. . . . The Synod of Delos, composed of the deputies of all, was the natural board of arbitration for such disputes."—G. Grote, *History of Greece* (Edited by Mitchell and Caspari), p. 349.

One of the lessons to be learnt from this first experiment in the creation of an international police force is that no single State should be able to secure a monopoly in the manufacture or construction of any weapons with which this force may be equipped.[4] In recent years the danger which may arise when any State secures the monopoly of any process or industry capable of being adapted to warlike purposes is exemplified by the position of Germany in the chemical industry before the war.[1] A monopoly of this kind becomes an irresistible temptation to the State which possesses it to use it for its own advantage, even though this course involves the violation of treaties. Athens was tempted to subjugate all the members of the Confederacy when she discovered her superiority in the building of warships, just as Germany was induced to violate her treaty pledges when she realised the enormous initial advantage which the large scale manufacture of poison gas conferred upon her in time of war.

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[1] "It was essential that it should be sustained by some determining authority and enforcing sanction. The determining authority was provided by the synod at Delos: the enforcing sanction was exercised by Athens as President. She exacted from every member the regulated quota of men or money, employing coercion against recusants, and visiting neglect of military duties with penalties."—*Id.*, p. 288.

[2] "The political result of the process of leaving Athens to supply the fleet, for which the contributions of the other members paid, was to give Athens complete control of the fighting force of the Confederation."—W. R. Halliday, "The Spartan and Athenian Empires," in *Universal History of the World*, p. 1393.

[3] This was the view of Aristotle and Isokrates and was generally prevalent in the fourth century. Modern writers have sought to make out that Athens did not "systematically interfere to democratise by violence the subject allies," but on the other hand still more recent research has shown that "the opinion of Aristotle and Isokrates was not without foundation."—J. M. Mitchell and M. O. B. Caspari in Grote's *History of Greece*, p. 368.

[4] For the practical application of this lesson see chap. XII, p. 477 *et seq.*

IV

The Achæan League

AMONGST the many Hellenic leagues which were founded towards the close of this period was the Achæan League.[2] Twelve City-States originally belonged to this federation, but at a later stage, when it reached the zenith of its power, it embraced about seventy. Both Corinth and Sparta were included in its membership. Each State retained complete freedom in its domestic affairs, but the control of foreign policy was entrusted to a central Assembly. All the States, large or small, possessed an equal vote, and the Assembly concluded treaties, declared war and made alliances. This body was convened by the President, who was called the "Strategus" or General.[3] This official was elected annually, and after his term of office had elapsed was not eligible for re-election for a year. In addition to the General, a cabinet of ten members was also elected by the Assembly.[1] When war was declared the General became the Commander-in-Chief with absolute authority.

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[1] Cf. Major V. Lefebure, *The Riddle of the Rhine*, p. 34, and see further, chap. XII, pp. 477–478.

[2] For a general account of the League see E. A. Freeman, *History of Federal Government*, Vol. I, chap. V; P. Smith, *History of the Ancient World*, Vol. II, p. 113; and *E.B.*, 14th edition, Vol. I, p. 119. The League came into existence in the fourth century and was dissolved in 146 B.C.

[3] E. A. Freeman, *History of Federal Government*, p. 285 *et seq.*

The Achæan League possessed a small standing army[2] and there were occasions when it employed mercenary troops.[3] The Assembly voted supplies for the equipment and maintenance of its forces, which, in time of war, were reinforced by contingents from each of the city-states which belonged to the League.

It will thus be seen that the coercive force employed by the Achæan League for the dual purpose of providing sanctions and self-defence was derived from two sources: first, a standing army directly under the control of the Assembly of the League, and, secondly, quotas of men and supplies contributed by each of the member-States.[4] This arrangement ensured prompt federal action when the peace or security of the League or any of its members was menaced. Moreover, the standing army could be reinforced by the quotas whenever the necessity arose.

As we have already seen, the League did not interfere with the internal affairs of its members, but there were instances when it compelled unwilling city-states outside its circle to assume the responsibilities of membership.[5]

The Achæan League existed until the advent of the Roman power. Had it been called into existence at an earlier period, it might possibly have afforded an effective protection to the city-states of Greece against the invader from the West.

The Hellenic city-states have bequeathed many political ideas and experiments to the generations which have followed them. Amongst these ideas not the least is the conception that in the relationships between States some coercive power or sanction is necessary to secure international justice and to prevent the violation of treaties. The seeds which they planted along the shores of the Mediterranean developed into sturdy plants which in after years were to be transplanted to more fruitful soils where they have flourished and given birth to constitutions in which the principles of justice, liberty, democracy and federalism have been enshrined. During the debates and discussions of the eighteenth century when the federal constitution of the United States was in process of formation, writers in *The Federalist* described the Amphictyonic Council and the Achæan League. In an interesting article, Hamilton and Madison wrote of the Achæan League : " Could its interior structure and regular operation be ascertained, it is probable that more light might be thrown by it on the science of federal government than by any of the like experiments with which we are acquainted."[1] The principles and ideas underlying the constitutions of the Greek city-states provided the framers of the American Constitution with material for their discussions, and left an indelible mark upon the results of their labours. Thus, one hundred-and-fifty years ago, thirteen sovereign and independent States were merged together and drew their inspiration from this remote age.

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[1] *Id.*, p. 280 *et seq.* [2] *Id.*, p. 310. [3] *Ibid.*

[4] "We find the Assembly sometimes requiring particular cities to furnish particular contingents, and sometimes investing the General with power to summon the whole military force of the League."—*Ibid.*

[5] Thus in 192 B.C. Sparta was called on to enter the League which had long been her bitterest enemy.—*Id.*, p. 630.

It is, of course, true that the Achæan League and its predecessors were federations of Hellenic city-states, and that they all owed allegiance to the same race or family. Similarly, the thirteen States of the American federal union were inhabited by peoples mainly of British origin. But it would be false to assume that for this reason the task of uniting them was an easy one or that their members were not bitterly jealous of each other. Even relations do not always love one another.

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[1] *The Federalist*, No. XVIII : ed. H. C. Lodge, p. 106. Cf. E. A. Freeman. " Greece had already done her work as the land of autonomous cities : she was now to give mankind a less brilliant but more practical lesson in the way of free government on a more extended scale . . . to give to political thinkers of after times one of the most valuable subjects for reflection which all ancient history affords."—*History of Federal Government*, Vol. I, p. 237.

Is it not possible that the latest experiment in the realm of confederation, the League of Nations, may also draw upon the same sources and find in the example of the Amphictyonic, Delian and Achæan Leagues the solution of the problem of international sanctions through the creation of an international police force?

V

Rome

FROM the ruins of Greek civilisation emerged the majestic and towering grandeur of Rome. Developing into a vast Empire imbued with a benevolent imperialism, she spread the reign of law over almost every country in Europe and penetrated into other lands on the southern shores of the Mediterranean. Wherever the Roman eagles alighted in their swift career the "Pax Romana" made its influence felt. For more than five centuries Rome gave peace to the dominions under her sway. Justice between nations became a reality, and a new era dawned upon the world. For the first time in history men of many races, of different degrees of civilisation, were brought face to face with the idea of a common law. No wonder that the fiction of the Roman Empire remained in the minds of men long after this imposing structure had crumbled away: no wonder that during the Middle Ages all eyes looked back to the splendour of this wondrous age. In the words of Rousseau, "the venerable phantom of the Roman Empire has never ceased to unite the nations which once formed part of it."[1]

But this reign of law would have been impossible had it not been supported by the overwhelming superiority of the imperial armies. It was based upon reliable sanctions. Wherever a Roman garrison was quartered, the inhabitants of that territory, to whatever nationality or race they belonged, had access to the process of law, which the presence of the garrison made effective. Had there been no Roman army, this awe-inspiring political structure could not have been built, nor could it have handed down to succeeding generations the great principles of jurisprudence and judicial organisation which marked the heyday of its power.[1]

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[1] *A Lasting Peace through the Federation of Europe*, trans. C. E. Vaughan, p. 44.

It is not proposed to discuss the causes which brought about the downfall of the Roman Empire. We know that it was overthrown by inferior civilisations. As an empire based on conquest and slavery,[2] with no conception of the federal principle, paying no allegiance to the doctrine of the free and voluntary assent of the governed, it held within it the seeds of decay.[3] In the conditions of those days an empire surrounded by barbarians, depending upon a relatively slender margin of military power displayed in the discipline and prowess of its troops rather than in the superiority of their weapons, could not hope to retain a permanent hold upon the vast regions committed to its care. That it remained for so long a period is the marvel; that it created a lasting impression is the glory; that it implanted in the minds of men those ideas which have since blossomed forth in so many directions is its title to fame.

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[1] "Roman Law . . . was with more or less modification from local customs and ecclesiastical authority, the only system of law throughout the Middle Ages and was the foundation of the modern law of nearly all Europe."—*Cambridge Mediæval History*, Vol. II, p. 53.

[2] "Gibbon supposes that there were in the Roman world in the reign of Claudius at least as many slaves as free inhabitants. But Blair seems right in believing that this number, though probably correct for an earlier period, is much under the truth for the age to which it is assigned. He fixes the proportion of slaves to free men as that of three to one for the time between the conquest of Greece (146 B.C.) and the reign of Alexander Severus (222–235 A.D.). The entire number of slaves in Italy would thus have been, in the reign of Claudius, 20,832,000."—*E. B.*, 14th edition, Vol. XX, p. 775; Gibbon, *Decline and Fall* (1838 edition), Vol. I, chap. XI, p. 74; W. Blair, *Inquiry into the State of Slavery among the Romans*, pp. 15–16.

[3] "We must necessarily look upon (slavery) as one of the main causes of the decay of her empire."—Blair, *Inquiry into the State of Slavery among the Romans*, p. 205.

Divest it of its imperialistic garb, clothe it with the garment of federalism, gird its loins with the robe of voluntary assent, and it would stand forth as a model of what may yet be achieved in the sphere of international relationships when these have been co-ordinated into the reign of law. Above all, does it not prove that this regime cannot be achieved until the confederation of nations has been equipped with adequate sanctions?

In modern times there has arisen a parallel to Rome, another empire where government, reinforced by power, has brought peace and prosperity to a land where, before its advent, all was confusion and war. This is the British Empire in India. Before the coming of the British Raj, India was a mere chaos of warring principalities. Oppression was rife and the reign of law unknown. After the British occupation, courts of law were established and justice was impartially administered, relying for its sanctions upon the existence of constabularies and ultimately upon the British garrisons.[1] This system has been imposed upon the peoples of India, but if it had been possible to base it upon the principle of voluntary assent, does it not demonstrate to the nations of the world how they too may escape from the thraldom of war.

VI

The Middle Ages

WITH the disappearance of Roman power the sanction of law in the civilised world came to an end. The history of the succeeding centuries is a record of lawlessness in which religious, dynastic and territorial wars are constantly being waged. Emperors, kings, electors, republics, popes and cardinals appear upon the stage in rapid succession. They all vie with each other in the same pursuit of making war. The reign of law in international affairs appears to be more remote than ever. For a brief space Christendom is mobilised against the power of Islam. Armies composed of all nations pour across France, Germany and Hungary impelled by a common impulse to drive the infidel from Europe and to win back the Holy Land. The crusading forces can be described as an international army, and the heterogeneous contingents engaged in this extraordinary adventure appear to have been composed of quotas enlisted voluntarily and haphazardly from all the countries in Europe. This remarkable series of campaigns represents a military pilgrimage, which illustrates the unity of the European system when inspired by a religious ideal. It also shows that these nations were prepared to act together in defence of Christendom against an aggressor whose aims had become a menace to the security of all.

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[1] "The British power . . . has . . . rendered three immeasurable services to the peoples of India . . . it has given them an extraordinary period of unbroken peace. For nearly sixty years (i.e., before 1915) no armies have fought on Indian soil except for the defence of the frontiers. This can be said of no other country in the civilised world except Britain, Canada, Australia, Holland and Scandinavia. The *pax Britannica* has been a yet more wonderful thing than the *pax Romana*." —Ramsay Muir, *The Making of British India*, p. 2.

In the year 800 Charlemagne had attempted to revive the glory and the name of Rome. With the partition of his empire on his death a process of decay had been commenced, a process quickened in the succeeding centuries by the rivalries of Emperor and Pope. Neither possessed the superiority of power which Rome had shown to be necessary to the maintenance of peace and justice. The only possible result was the almost uninterrupted wars which occupy so large a part of the history of the Middle Ages.

In spite of the general lawlessness which prevailed, there were men who envisaged a new state of affairs, when justice should reign supreme in international relationships. Of these, the most conspicuous example is Dante.[1] He conceived justice as the monarch whose rule or empire would eventually embrace the whole world.

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[1] His *De Monarchia* was written at some time after the promulgation of the bull "Unam Sanctam" in 1302. Though not published until 1599, it soon became famous. A translation by F. C. Church is appended to Dean Church's *Dante*.

Did Dante contemplate a sanction for his monarch? There is no specific allusion in his *De Monarchia* to the kind of sanction which the monarch should possess. But we may infer from certain passages that Dante intended that justice should not be left defenceless, and that the monarch should be endowed with the power to enforce it. Thus he says: "Further, the world is ordered best when Justice is most paramount therein. . . . But Justice is paramount only in a Monarchy, and therefore a Monarchy, that is, the Empire, is needed if the world is to be ordered for the best. . . . It is a virtue regulating our conduct towards other men; how shall any act according to Justice if he has not the power of rendering to all their due? Therefore it is plain that the operation of justice will be wide in proportion to the power of the just man. From this, let us argue. Justice is strongest in the world when it is in one who is most willing and most powerful; only the Monarch is this; therefore, only when Justice is in the Monarch is it strongest in the world."[1] And again, "Where a Monarch reigns Justice is, or at least may be, strongest. . . . Now Monarchy is the most universal cause of men living well, for other princes work only through the Monarch . . . and it therefore follows that it is the Monarch who will chiefly love the good of men. But that in practice the Monarch is most disposed to work Justice, who can doubt, except, indeed, a man who understands not the meaning of the word, for if he be really a Monarch he cannot have enemies."[2]

The idea underlying these declarations is that the Monarch, representing international justice, should be equipped with all the attributes and all the power which make it possible for him to exercise his functions in the interests of all to the highest possible degree. It is, therefore, not unreasonable to assume that, if Dante contemplated one source as the fountain of international justice, he also intended that the organised forces of all nations who swear allegiance to the "Monarch" should be utilised for the attainment of this sole purpose. In what other sense is it possible to construe "Empire"? It follows logically that this expression of the international mind can only find its realisation in some kind of definite sanction, that is, in an international police force.

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[1] *De Monarchia*, I, xi.

[2] *Ibid.*

VII

Sully's "Grand Design" of Henry IV

DURING the sixteenth century the wars of religion reached their highwater mark. In this period, in France alone, there were in the course of thirty years no fewer than eight religious wars.[1] Europe revolved in the cockpit of religious strife, culminating in wholesale massacres and disorders, which threatened not only to annihilate the very existence of States but also to destroy any germs of civilisation which were struggling to gain a foothold. In the midst of all this confusion there appeared a great statesman in the person of Maximilian of Rosny, Duke of Sully, who in the years following the death of Henry IV[2] prepared "one of the most imaginative and comprehensive schemes for securing what so many have regarded as a mere chimera," the Grand Design.[3] In this proposal he evolved a scheme for the federation of Europe, his main objective being the elimination of war and the peaceable settlement of disputes. He proposed to set up a General Council or Senate upon which were to be represented the fifteen States of the new Europe. These States appointed Commissioners, the Great Powers being entitled to four whilst the lesser would be represented by two. The Senate, modelled on the Amphictyonic Council of ancient Greece,[1] would consist of sixty-six persons who would be elected or nominated triennially.[2] This body, in addition to settling disputes between its members and controlling its combined forces, was also to be entrusted with a general supervision over the domestic affairs of all its members, especially in regard to religious matters. It may, therefore, be described as a federal parliament, inasmuch as there does not appear to be any clear-cut distinction in the " Design " between the domestic affairs of each State and its foreign relationships. The principle of devolution was recognised by the proposal to appoint a number of minor councils, possibly six, which would meet at convenient centres to dispose of questions affecting their particular areas.[3] These may be described as Regional Councils from which appeals could be carried to the General Council or Senate, whose decisions would be final.

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[1] *C.M.H.*, Vol. III, chap. 1.

[2] Sully himself attributed the scheme to his dead master, Henry IV, and presented it as having been the guiding principle of Henry's foreign policy from 1596 onwards. Modern research, however, has shown that the scheme is Sully's own, attributed by him to Henry in order to increase the fame of his master and to secure for it the prestige of the great king's name. "He is not unique in falsifying history for a purpose" (Sir Geoffrey Butler, *Studies in Statecraft*, p. 89) and the question of authorship is quite unimportant; what is really important is that the memoirs are "historical writings of the first importance" (*Id.*, p. 90) showing how, even in the seventeenth century, a statesman of the first rank applied his mind to the problem of eternal peace.

[3] *The Memoires* or *Œconomies Royales* were compiled by Sully after 1611. The Grand Design was elaborated in his revision of the *Memoires* between 1617 and 1638. In the original text the scheme appears only

The most interesting provision refers to sanctions. A combined army and navy was to be established for the purpose of enforcing the decisions of the Senate, and of providing mutual protection to the members of the federation against outside aggression. " To succeed

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as scattered fragments. In 1745 the Abbé de l'Ecluse des Loges published a new edition, collecting all the fragments into a single chapter. In doing so he took an unwarrantable liberty with his text, but presented the scheme as a connected whole, thus immeasurably increasing its influence on philosophers and statesmen. An English translation was published in 1778. The comprehensive chapter—xxx—of the Abbé has been reprinted by the Grotius Society (Texts No. 2, Introduction by David Ogg); all references being made to that edition.

[1] *The Grand Design* (Grotius Society edition), p. 42.

[2] *Ibid.*

[3] *Id.*, p. 43.

in the execution of this plan will not appear difficult," he writes, "if we suppose that all the Christian Princes unanimously concurred in it. It would only be necessary for each of them to contribute, in proportion to their several abilities, towards the support of the forces, and all the other incidental expenses which the success of such an enterprise might require. These respective quotas were to have been determined by a general council of which we shall speak hereafter. The following is what Henry the Great had himself conceived on this head. The pope for this expedition should have furnished eight thousand foot, twelve hundred horse, ten cannons and ten galleys; the emperor and the circles of Germany sixty thousand foot, twenty thousand horse, five large cannons and ten galleys or other vessels; the king of France, twenty thousand foot, four thousand horse, twenty cannons and ten ships or galleys; Spain, Britain, Denmark, Sweden and Poland, the like number with France, observing only that these powers should together supply what belonged to the sea-service in the manner most suitable to their respective conveniences and abilities therein; the King of Bohemia, five thousand foot, fifteen hundred horse, and five cannons; the King of Hungary, twelve thousand foot, five thousand horse, twenty cannons and six ships; the Duke of Savoy or King of Lombardy, eight thousand foot, fifteen hundred horse, eight cannons and six galleys; the republic of Venice, ten thousand foot, twelve hundred horse, ten cannons and twenty-five galleys; the republic of the Swiss cantons, fifteen thousand foot, five thousand horse and twelve cannons; the republic of Holland, twelve thousand foot, twelve hundred horse, twelve cannons and twelve ships; the Italian republics, ten thousand foot, twelve hundred horse, ten cannons and eight galleys, the whole together amounting to about two hundred and seventy thousand foot, fifty thousand horse, two hundred cannons and one hundred and twenty ships or galleys, equipped and maintained at the expense of those Powers, each contributing according to his particular proportion."[1]

One of Sully's claims to greatness is that he was the first European statesman to suggest the creation of an international police force. This proposal emanated from a wise and benevolent leader, a man whose reputation as a statesman and financier was held in the highest esteem. No one can accuse him of being a visionary or an impractical idealist.

He understood the value of moral as well as of physical force. Whilst realising that the latter could not be dispensed with, and that his federation of Europe would require adequate sanctions, he also recognised that the efficacy of these sanctions was dependent upon public opinion. Archbishop Péréfixe tells us in his history of the reign of Henri le Grand that Henry, whom he regarded as the author of the scheme, had "enlisted all the good writers in Christendom on his side: for indeed he would have chosen rather to persuade than force people, and instruct them so well in his intentions that they should regard his arms as forces held in reserve, to be used only as a last resort."[2]

Sully was endowed with a sincere desire to save the peoples of Europe from the constant misery and impoverishment imposed upon them by war, "being from long experience convinced that the happiness of mankind can never arise from war, of which we ought to have been persuaded long ago."[3] In modern times he would have been described as a good European. He was also solicitous for the welfare of his own countrymen. "All therefore which the French have to wish or desire is that Heaven grant them pious, good and wise kings, and that these kings may employ their power in preserving the peace of Europe, for no other enterprise can truly be to them either profitable or successful."[1] Perhaps this is not surprising in the minister of a king who had expressed the desire that every peasant in France should be able to afford " a fat poulet " for his Sunday dinner.[2] This may appear to be a rough-and-ready test of the standard of living to which Henry had aspired on behalf of his subjects. Had the " Grand Design " ever been effectuated, it is possible that Henry's wish might have been realised. The same idea has been more scientifically though less quaintly expressed by more recent political economists. For instance, Sir Josiah Stamp, when alluding to the direct and indirect effects of armament taxation, says one could " state without much fear of serious error, that the standard of life throughout great industrial Powers would be lifted by over 10 per cent. by the cancellation of the expenditure on armaments. Such an increase would have a much greater influence upon the comforts of life, and on the economic well-being of the people, than the mere figure itself might convey. At the stage at which we stand, it is, for the great mass of the peoples of these nations, the difference between grinding penury and a reasonable standard of comfort."[3]

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[1] *The Grand Design* (Grotius Society edition), p. 34. Elsewhere Sully in attempting the same computation fixes the total at 100,000 foot, 20,000 to 25,000 horse and 120 cannons.—*Id.*, p. 49.

[2] H. de Beaumont de Péréfixe, *History of Henry IV* (Eng. edition of 1896), pp. 314–315.

[3] *The Grand Design* (Grotius Society edition), p. 22.

The " Grand Design " was intended to minimise the risk of war and consequently to relieve the heavy burden of taxation. Similar results will, it is believed, be produced by an effective policy of disarmament. If the provision of adequate sanctions is regarded as the key to disarmament, it follows that the resulting economies will be reflected in an improved standard of living in millions of homes which are at present faced with " grinding penury."

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[1] *The Grand Design* (Grotius Society edition), p. 24.

[2] Dean Kitchin, *History of France*, Vol. II, p. 447.

[3] *Current Problems in Finance and Government*, pp. 97–98.

VIII

William Penn

TOWARDS the end of the seventeenth century, soon after the close of the Thirty Years' War, there appeared a remarkable treatise entitled *An Essay Towards the Present and Future Peace of Europe by the Establishment of an European Diet, Parliament or Estates.*[1] The author of this essay was William Penn, a devout Quaker, who played a leading part in the founding of the colony of Pennsylvania, christened after his father, Admiral Penn.

Penn's European Parliament was intended to "establish rules of justice for sovereign princes to observe one to another."[2] It is interesting to note Penn's attitude towards the question of sanctions. He suggests that there shall be a small force in every sovereignty "as it is capable or accustomed to maintain,"[3] and he appears to contemplate an all-round reduction in armaments. Penn realised, however, that his Parliament would stand little chance of securing justice and of preventing war, unless its decisions were supported by military sanctions. On this point he says: "If any of the sovereignties that constitute these imperial States shall refuse to submit their claim or pretensions to them (the Parliament), or to abide and perform the judgment thereof, and seek their remedy by arms, or delay their compliance beyond the time prefixed in their resolutions, all the other sovereignties, united as one strength, shall compel the submission and performance of the sentence with damages to the suffering party and charges to the sovereignties that obliged their submission. To be sure Europe would quietly obtain the so much desired and needed peace to her harassed inhabitants; no sovereignty in Europe having the power and therefore cannot show the will to dispute the conclusion; and, consequently, peace would be procured and continued in Europe." [1]

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[1] *The Peace of Europe* was first printed in 1693. A recent edition with an introduction by Joseph Besse has been published in *Everyman's Library.*

[2] *The Peace of Europe,* chap. IV.

[3] *Id.,* chap. XI.

Nor does he seem to overrate the influence exercised by public opinion, for he says: "So depraved is human nature that, without compulsion some way or other, too many would not readily be brought to do what they know is right and fit, or avoid what they are satisfied they should not do." [2]

Penn's essay is characterised by shrewd common sense, and it is clear that he regards the provision of sanctions as an important factor for the success of his scheme.

IX

Saint-Pierre's Perpetual Peace

THE Peace of Utrecht brought to an end the War of the Spanish Succession. All the nations of Europe lay crippled and gasping at the close of this sanguinary struggle. It is, therefore, not surprising that the Abbé de Saint-Pierre, who had acted as secretary to the Abbé de Polignac, one of the French plenipotentiaries at Utrecht, and who was present during these protracted negotiations, should have produced a scheme for an European senate or council.[3] Saint-Pierre was apparently disgusted with the haggling, bargaining and quarrelling which ensued during these proceedings. However, he utilised this opportunity of advertising his scheme by presenting copies to all the plenipotentiaries and ambassadors assembled at the peace conference. Consequently, it attained a considerable amount of publicity. Frederic the Great, writing about it to

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[1] *The Peace of Europe*, chap. IV.

[2] *Id.*, chap. III.

[3] The *Projet de Paix Perpétuelle* was first printed in its final form at Utrecht in 1713. An English translation appeared in 1714 under the name of *A Project for Settling an Everlasting Peace*. In 1729 there was published at Rotterdam an *Abrège du Projet de Paix Perpétuelle*. References hereinafter made are to the London edition of 1714. Selections from the *Abrège*, translated by Dr. H. H. Bellot, and with an introduction by Professor P. Collinet, form No. 5 of the Grotius Society's Texts Series. The Fundamental, Important and Useful Articles are also contained in W. Evans Darby, *International Tribunals*, p. 70 *et seq.*

Voltaire, declared: "The thing is most practicable, for its success all that is lacking is the consent of Europe and a few similar trifles."[1] To-day the disciples of Frederic in every country will, no doubt, content themselves with reiterating this caustic observation.

Saint-Pierre's plan of perpetual peace was fashioned on the model of Sully's Grand Design.

It is interesting to compare the proposals set forth in Saint-Pierre's plan with the Covenant of the League of Nations. It is clear at a glance that Saint-Pierre was prepared to endow his Union with functions from which the framers of the Covenant recoiled with horror. Saint-Pierre takes care that there shall be few loop-holes in his scheme. It is thoroughly watertight. There are no "gaps" to be filled, to prevent either war between nations or internal rebellions against the rulers of the member-States. He failed, like his predecessor, Sully, and his successor, the Czar Alexander, to appreciate the importance of the doctrine of non-intervention and of drawing a clear distinction between the domestic and foreign affairs of each State.

Saint-Pierre appears to have been over-anxious to conciliate the crowned heads of Europe. He proposed to guarantee to these monarchs and their descendants in perpetuity the territories over which they ruled. "It will be a guarantee that the hereditary sovereigns shall remain hereditary, according to the manner and custom of each nation; that those that are elective shall remain elective in the country where election is usual."[2] The electors and republics were also to share in this guarantee of the *status quo*; "All the sovereignties of Europe shall always remain in the condition they are in, and shall always have the same limits that they have now."[3] This provision means that there are to be no territorial changes: the *status quo* is to be stabilised. No alteration is to be made, even with the consent of both parties, and no treaties are to be entered into, regional or otherwise.

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[1] April 12th, 1742; R. Aldington, *Letters of Voltaire and Frederic the Great*, pp. 160–161.

[2] Fundamental Article II, London edition, 1714, p. 108.

[3] Fundamental Article IV, *Id.*, p. 110.

But all these stipulations, and others, are subject to this important provision, namely, they can be altered or modified " with the consent and under the guaranty of the Union by the three-fourths of the four and twenty voices."[1] This safeguard renders possible territorial adjustments and treaty revision, when such modifications are considered just and necessary by a three-fourths majority of the members of the Union.

In comparison with Articles 10 and 19 of the Covenant, Saint-Pierre's proposal seems to be more equitable and practical. In Article 10 territorial integrity is enshrined as a fundamental law of the constitution. Notwithstanding any new conditions which may arise, it cannot be modified except by an amendment of the Covenant. Under Article 19 the Assembly may from time to time advise members of the League to undertake the task of treaty revision.[2] This is strict vegetarianism contrasted with Saint-Pierre's strong meat!

But if the attempts to stereotype the existing order and to interfere with domestic affairs are to be regarded as blots on his scheme, there can be no doubt that Saint-Pierre's Fundamental Article VIII contains a number of practical and far-reaching proposals which, had they been adopted, would have gone a long way to eliminate war. Article VIII is as follows: " No Sovereign shall take up arms or commit any hostility, but against him who shall be declared an Enemy to the European Society. But if he has any cause to complain of any of the Members, or any demand to make upon them, he shall order his Deputy to give a memorial to the Senate in the City of Peace, and the Senate shall take care to reconcile the differences by its mediating commissioners; or if they cannot be reconciled, the Senate shall judge them by arbitral judgment by plurality of voices provisionally, and by the three-fourths of the voices definitely. This judgment shall not be given 'till each Senator shall have received the instructions and orders of his master upon that fact, and 'till he shall have communicated them to the Senate. The Sovereign who shall take up arms before the Union has declared war, or who shall refuse to execute a regulation of the society, or a judgment of the Senate, shall be declared an enemy to the society, and it shall make war upon him, 'till he be disarmed, and 'till the judgments and regulations be executed; and he shall even pay the charges of the war, and the country that shall be conquered from him at the time of the suspension of arms shall be for ever separated from his Dominions. If after the society is formed to the number of fourteen voices, a Sovereign shall refuse to enter into it, it shall declare him an enemy to the repose of Europe, and shall make war upon him 'till he enter into it, or 'till he be entirely dispossessed."[1]

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[1] Fundamental Article IV, London edition, 1714, p. 111.

[2] See p. 20.

X

Comparison with Modern Schemes

IT is instructive to draw a comparison between the provisions contained in Article VIII of Saint-Pierre's plan and the similar proposals contained in the Covenant of the League and in the Protocol for the Pacific

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[1] London edition, 1714, p. 122. Cf. Fundamental Article IV of the *Abrège*, the Explanation to which declares it to contain " a fourth means which is absolutely necessary to render the Grand Alliance indivisible, namely a punishment, sufficient and inevitable, for him among the successors of the allies who, without considering all the great advantages which he actually enjoys by the regulation of Europe, shall be so foolish as to seek to destroy it." " How is the award to be executed ? " asks Professor Collinet, and answers with the Abbé, " By force. What force ? . . . If it should be necessary to proceed against one of the Powers which refuses to submit to an award, or to regulations made by the Grand Alliance, or enters into treaties incompatible with it, or make preparations for war (precluded in theory by representatives resident in each State) each State must furnish a contingent of special troops, which shall be placed under a Generalissimo appointed by the Senate of Peace, and having no existence in normal times—a further measure of prudence."—Introduction to Grotius Society Texts Series: No. 5.

Settlement of International Disputes adopted unanimously by the Assembly in 1924.

Let us consider the following points.

All the members are debarred from taking up arms against any State, whether a member or non-member, unless the Union shall have declared that State to be an enemy.[1] Aggression is outlawed. The self-defence of each member-State is merged in the defence of the Union.[2] The Covenant contains no provision denouncing aggressive war as a crime. It includes no article so sweeping in its scope or so definite in its application. On the other hand, the Protocol declares categorically in its Preamble " that a war of aggression constitutes . . . an international crime," whilst in Article 2 the signatory States agree " in no case to resort to war " except in agreement with the League or to resist an act of aggression. Here it will be seen that Saint-Pierre's ideas are reproduced almost in their entirety.

The final or definite decision is not to be given until each Senator has received the instructions and orders of his government upon the fact.[3] It is clear that the Senators are not to be regarded as judges in the legal sense, nor do they occupy the status of independent arbitrators. They represent the political views of their respective governments. The members of the Council of the League occupy a similar position.

The procedure is laid down regarding the steps to be taken to bring a dispute before the Senate. The services of mediating commissioners are first of all to be requisitioned,[4] which corresponds to the process of conciliation referred to in the Covenant.[5] If they cannot bring about a settlement, there is to be recourse to arbitration : the dispute goes before the Senate, which will pronounce an " arbitral judgment." The Covenant follows this procedure up to a point, namely, conciliation.

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[1] Fundamental Article VIII, see p. 80.

[2] *Id.* [3] *Id.* [4] *Id.*

[5] Conciliation is dealt with in the Covenant in Article 15.

The Council, however, has no power to pronounce an "arbitral judgment." All it can do is to issue a report on the facts of the dispute and its views thereon.[1] If this report is not unanimous, members of the League are free to act as they choose. If it is unanimous, do the members rush to the assistance of the victim of aggression? On the contrary, there are no "commitments" in this sense. The only undertaking is of quite a different character—"that they will not go to war with any party to the dispute which complies with the recommendations of the report."[2]

A man robs his neighbour. If the other neighbours are unanimous that he has been robbed, instead of arresting the thief they undertake not to assist him by assaulting the person whom he has wronged. If there is no unanimity, they are free to connive at the thief's escape, and to help him in disposing of his ill-gotten gains. Could anything be more absurd? It would appear that the timidity of the authors of this clause was equalled only by their sense of humour! Even Moses, clad in the garments of negation, might have blushed had he been accused of the parentage of this offspring.

The framers of the Protocol, recognising these flaws, adopted Saint-Pierre's principles and elaborated a system in which the "mediating commissioners" are afforded every opportunity of settling the dispute. Should they fail, the Council, under Article 4, does not—unless it can do so unanimously—proceed, like the Senate, to pronounce an "arbitral judgment" by a three-fourths majority of the "voices." It adopts a much more satisfactory and judicial method.[3] It sets up an arbitration tribunal of its own choice, composed of "persons who by their nationality, their personal character and their experience appear to it to furnish the highest guarantees of competence and impartiality."[4] The awards or findings of this tribunal are to be binding on all parties.[1] This proposal constitutes an advance on Saint-Pierre's plan inasmuch as the members of his Senate, as we have seen, do not necessarily possess these high qualifications.

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[1] Article 15, paragraph 4.

[2] *Id.*, paragraph 6.

[3] Article 4 (2) and (4).

[4] Article 4 (2) (*b*).

In Saint-Pierre's scheme the Senate decides, in the first instance, " provisionally " by a majority vote and " finally or definitely " by a three-fourths majority of the voices.[2] The Council of the League may be impotent, for the final or definite decision is not to be given until it is able to secure a unanimous vote.[3] The Protocol surmounts this difficulty by setting up a special tribunal in the manner already described.

Saint-Pierre attempts to define the aggressor. There are two tests : (*a*) the sovereign who launches a sudden attack, described in the Security Pact of Locarno as a " flagrant violation " [4] ; and (*b*) a State which refuses to conform to the " regulations of the Union " or to an " arbitral judgment " of the Senate.[5] The Covenant makes no attempt to define aggression, other than in the procedure laid down in Article 15 for the publication of a report by the Council on the facts of a dispute.[6] Here again the Protocol follows closely the lines laid down by Saint-Pierre. Briefly, there are six tests of aggression : (*a*) refusal to submit a dispute ; (*b*) refusal to comply with a judicial sentence, arbitral award or unanimous verdict of the Council ; (*c*) disregard of a report, sentence or award recognising that the dispute arises out of a matter within the jurisdiction of the State attacked ; (*d*) violation of the pledge to refrain from warlike preparations during the period of arbitration ; (*e*) refusal to accept or observe an armistice imposed by the Council; (*f*) violation of rules regarding a de-militarised zone.[1]

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[1] Article 4 (6).

[2] Fundamental Article VIII. See p. 80.

[3] Covenant of the League of Nations, Article 15.

[4] Annex A to the Locarno Final Protocol of October 16th, 1925 ; Article 4 (3). The " flagrant violation " referred to is the resorting to war by Germany, Belgium or France in contravention of the provisions of Article 2. A violation of the demilitarised zone established by Articles 42 and 43 of the Treaty of Versailles constitutes a " flagrant breach " of those articles with consequences identical to those of " flagrant violation " of Article 2.

[5] Fundamental Article VIII.

[6] Article 15, paragraph 4.

The sanction proposed by Saint-Pierre is that all the members of the Union shall forthwith, at the instigation of the Senate, make war upon the recalcitrant State.[2] There are no reservations. Each member of the Union binds itself in advance to throw all its weight into the scales. The Covenant enjoins the severance of trade and financial relations and the prohibition of all intercourse with the nationals of the outlawed State. Article 16 lays down that the Council is to recommend what military action, if any, the members of the League should take. This, in practice, may mean that no military sanctions will be forthcoming.[3] Like the guests in the parable who were invited to the rich man's supper, they may all with one accord find plausible excuses for absenting themselves on such a critical occasion.[4] Saint-Pierre goes to the root of the matter when he engages in advance all the military resources of the members of the Union to act as an international police force. The Protocol recognises the importance of effective sanctions. In addition to the economic boycott, which is strengthened and defined, Articles 11 and 13 provide for common action which approaches the standard proposed by Saint-Pierre.

Saint-Pierre's penalties are drastic. The recalcitrant State shall pay all the charges of the war, and whatever territory has been wrested from it when an armistice has been declared shall never be restored.[1] The Covenant contains no allusion to penalties, whilst the Protocol stipulated that the members of the League should be indemnified by the aggressor-State for all the costs incurred by them on behalf of the League. Any transfer of territory is expressly forbidden.[2]

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[1] Article 10.

[2] Fundamental Article VIII and note 1, p. 81.

[3] "It is for each member to determine whether it will, on the occasion afforded by the act of war, declare war."—P. E. Corbett, *British Year Book of International Law*, 1924, p. 125. See, further, p. 143, note 3.

[4] The facility of the Powers in finding plausible excuses where obligations without reward have to be undertaken was strikingly demonstrated in their reluctance to assist Armenia. "We had a meeting of the full Conference. I think this was the most incompetent, impotent, cynical meeting of all the hundreds I have been present at. . . . Lloyd George said it had been decided that morning that none of the three Powers would send a single battalion to Armenia: that they had decided to arm the Armenians and let them fight it out with the Turks: if their cause was just, and if they were strong enough they would win; and if not, then they were not worth saving."—Diary of Sir Henry Wilson; in Callwell's *Life*, Vol. II, p. 233.

It will be seen, therefore, that the Covenant bears only a faint resemblance to the radical conceptions of Saint-Pierre. This reflection cannot be avoided. If the Great War, with all its horrors, could only produce the Covenant, on what scale must the next Armageddon be fought to evolve a society of nations willing to accept the restrictions and sanctions proposed by Saint-Pierre ?

On the other hand, it is clear that the authors of the Protocol were imbued with the ideas which animated the international reformers of the eighteenth century. It can truly be said that the mantle of Saint-Pierre has fallen upon Dr. Benes and his collaborators, whose zeal and enthusiasm inspired this Magna Carta. This remarkable document is not dead : it only slumbers. Does it need another European conflagration rudely to shatter its repose ?

XI

Saint-Pierre's Sanctions

FUNDAMENTAL Article XI of Saint-Pierre's plan is also of interest. It is as follows : " When the Senate shall deliberate upon any thing pressing and provisionable for the security of the society, either to prevent or quell sedition, the question may be decided by plurality of voices provisionally, and before it is deliberated they shall begin by deciding, by plurality, whether the matter is provisionable." [3] Saint-Pierre endeavours in this way to solve the problem of executive action. The security of the Union is menaced by a sudden and unprovoked attack. Prompt action is imperative. The Senators have no time to consult their governments. The armies must be mobilised immediately to repel the attack. In this Article he lays down that the Senate is to be responsible for taking action. Its decision is to be reached by a majority vote. But, first of all, it has to decide whether the matter is urgent. This question they also determine by a majority vote. In the eighteenth century there was no communication by telegraph, cable or wireless, and weeks might elapse before the Senators could communicate with their governments. This difficulty no longer exists. If the members of Saint-Pierre's Senate were to meet at Geneva, they would be in possession of all the facts; they would have received instructions from their respective governments. No longer would there be any necessity for the provisionable vote. By a three-fourths majority the Senate would decide what executive action the Union should take; that is to say, whether the sanctions should be set in motion.

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[1] Fundamental Article VIII.

[2] Article 15.

[3] London edition, 1714, p. 130. The Explication to the Article defines a provisionable matter as " any thing that regards the safety or advantage of the society in general, and about which it is necessary to take measures speedily, in order to avoid the damage that might happen by a long delay."—*Id.*, p. 131.

In the further propositions it is clearly laid down that Saint-Pierre's international police force is to be based on the quota system. Each State, large or small, undertakes to contribute an equal number of effectives. The Union is not to possess any standing army or striking force under its own immediate control. "When the Union shall employ troops against its enemy, there shall be no greater number of soldiers of one nation than of another; but to make the levying and maintaining a great number of troops easy to the less powerful, the Union shall furnish them with what money is necessary, and that money shall be furnished to the Treasurer of the Union by the most powerful Sovereigns, who shall pay in money the surplus of their extraordinary quota. . . . In time of peace, when all the Sovereigns have signed, the most powerful shall keep up no more troops of his own nation than the less powerful, which shall be limited for the less powerful who has a full vote to six thousand men. But a very powerful Sovereign may, with the consent of the Union, borrow and maintain at his own charge in his dominions other troops, . . . provided they be all foreign soldiers."[1] "If the Union enters upon a war against any Sovereign, it shall name a Generalissimo by a plurality of voices; he shall not be of a Sovereign family, he shall be revocable at pleasure, he shall have command over the Generals of the troops of the united sovereigns."[2]

Apparently Saint-Pierre does not contemplate the creation of a General Staff of the Union to supervise and co-ordinate the mobilisation of the national quotas. Thus, when a war was actually in progress a Generalissimo might find himself confronted with a difficult problem. When receiving his appointment from the Senate he might well have responded in the words of Marshal Foch, who, during a more acute crisis, said, "It is a hard task you offer me now; a compromised situation, a crumbling front, an adverse battle in full progress. Nevertheless, I accept."[3]

Saint-Pierre, no doubt, hoped that the appointment of a Generalissimo would be unnecessary, and that the sanctions devised by his scheme would produce such a deterrent effect that no State would challenge the authority and decisions of the Union.

Saint-Pierre introduces his project by declaring that neither Balance of Power nor treaties are sufficient to maintain peace; the only way is by a European union.[4] How different might the course of events have been; how different the economic condition of Europe to-day; how much suffering and misery might have been spared to the nations; if the emperors and diplomatists assembled in Vienna one hundred years later had taken to heart his sage advice; if they had incorporated in their Treaty one-fifth, nay, one-tenth, of the proposals adumbrated by Saint-Pierre.

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[1] Important Article III, London edition, 1714, pp. 139–140.

[2] Useful Article II, London edition, 1714, pp. 151–152.

[3] Rt. Hon. Winston S. Churchill, *The World Crisis, 1916–1918*, p. 425.

[4] London edition, 1714, pp. iii, 14 *et seq.* and 20.

XII

Jean Jacques Rousseau

THE fact that men of the standing of Sully and Saint-Pierre had elaborated schemes for the securing of international peace was a guarantee that henceforth the idea at any rate would not be ridiculed. Leibnitz, Rousseau, Kant and Bentham, whose names are among the most illustrious of the succeeding century, all bear testimony to the greatness of the conception. Leibnitz approves of the scheme of Saint-Pierre, and in so doing " enrols his own mighty name in the sacred catalogue of our cause."[1] " I am persuaded," he writes, " that such a project taken as a whole is feasible, and that its execution would be one of the most useful things in the world."[2]

The next champion of international sanctions is Jean Jacques Rousseau, who wrote a treatise on Saint-Pierre's project.[3] Describing the conditions of his time, he says: " Now look at the other side of the picture. Observe the perpetual quarrels, the robberies, the usurpations, the revolts, the wars, the murders, which bring daily desolation to this venerable home of philosophy, this brilliant sanctuary of art and science. Consider our fair speeches and our abominable acts, the boundless humanity of our maxims and the boundless cruelty of our deeds; our religion so merciful and our intolerance so ferocious; our policy so mild in our text-books and so harsh in our acts; our rulers so beneficent and our people so wretched; our government so temperate and our wars so savage: and then tell me how to reconcile these glaring contradictions, tell me if this alleged brotherhood of the nations of Europe is anything more than a bitter irony to denote their mutual hatred."[1]

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[1] Charles Sumner, *Orations and Speeches*, Vol. II, p. 64.

[2] W. Evans Darby, *International Tribunals*, p. 98.

[3] *A Lasting Peace through the Federation of Europe* was written in 1756. The first part, published in 1761, professes to be no more than an abstract of the work of Saint-Pierre, but in fact Rousseau had treated his original with the utmost freedom. The second part, published in 1782, is avowedly an independent criticism of Saint-Pierre's scheme. The references hereinafter made are to the translation by C. E. Vaughan, published by Messrs. Constable in 1917.

If some modern Rousseau had written this appreciation of the conditions existing in 1918, how true his description would have been. Well may we reflect how little progress had been achieved in international relationships up till the conclusion of the Great War.

Discussing the question of sanctions, he says: "Some coercive power must be provided to co-ordinate the actions of its (the Union's) members and give to their common interests and mutual obligations that firmness and consistency which they could never acquire of themselves."[2] And again: "But if those obstacles are such as I have described at the present moment—a moment when all the Powers are entirely free to form separate leagues and offensive alliances—judge what they would become, if there were a general League, fully armed and ready at any moment to forestall those who should conceive the design of destroying or resisting it. That in itself is enough to show that such a Federation, so far from ending in mere vain discussions to be set at defiance with impunity, would on the contrary give birth to an effective power, capable of forcing any ambitious ruler to observe the terms of the general League which he has joined with others to set up."[1]

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[1] *A Lasting Peace*, Part I, trans. Vaughan, pp. 45–46.

[2] *Id.*, p. 49. Cf. pp. 59–60: "It must have a coercive force capable of compelling every state to obey its common resolves, whether in the way of command or of prohibition," and p. 63: "By the same Article, it shall be agreed that all the Confederates shall arm and take the offensive, conjointly and at the common expense, against any State put to the ban of Europe, and that they shall not desist until the moment when he shall have laid down his arms, carried out the decisions and orders of the Diet, made amends for his offence, paid all the costs and atoned even for such warlike preparation as he may have made in defiance of the Treaty."

Saint-Pierre appealed to the nobler instincts, to the sense of morality and the idealistic conceptions of princes and statesmen. Rousseau, on the other hand, was under no illusions of this kind. He rated human nature at its lowest value. He was concerned to point out how the material and selfish interests of these monarchs and their peoples were identical with the establishment of the Union and the provision of sanctions. He did not appeal to the altruistic, but rather to the realist motives which dominated their actions and policies, to their ability to retain the territories they already possessed, to the financial and commercial prosperity and other material advantages to be derived from this scheme. It was all in vain: his exhortations fell on deaf ears. That he anticipated this result may be inferred from the following sentence: "All that I do assume in them is understanding enough to see their own interest, and courage enough to act for their own happiness. If, in spite of all this, the project remains unrealised, that is not because it is Utopian; it is because men are crazy, and because to be sane in a world of madmen is in itself a kind of madness."[2]

XIII

Immanuel Kant

TOWARDS the middle of the eighteenth century emerges Immanuel Kant, the German philosopher who gave to the world his reflections on peace and war in a famous treatise entitled *Perpetual Peace.*[3] Kant was of Scottish origin, his grandfather having migrated from Scotland and become a citizen of the town of Tilsit. Kant shared the theories enunciated by Hobbes and Rousseau regarding the depraved nature of mankind. In his view, it was futile to expect any violent change in man's habits and methods or in his moral outlook. The realisation of perpetual peace, according to Kant, does not necessarily depend upon the transformation of man's moral character. It will be achieved in spite of his unwillingness and natural antipathy to the change. The passions, prejudices and unsociableness of man are ranged against this process of evolution. Man, however, is powerless to avert the destiny which awaits him. "This guarantee" (of perpetual peace), says Kant, "is given by no less a power than the great artist Nature, in whose mechanical course is clearly exhibited a predetermined design to make harmony spring from human discord, even against the will of man."[1]

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[1] *Id.*, p. 58.

[2] *Id.*, p. 91.

[3] The treatise was published in 1795. A recent translation, with a critical introduction by M. Campbell Smith, was published by Messrs. G. Allen and Unwin in 1903.

Thus Fate or Providence, moving in mysterious and inscrutable ways, directs the halting footsteps of mankind towards the final goal of peace. "This design . . . is called Providence, as the deep-lying wisdom of a Higher Cause, directing itself towards the ultimate practical end of the human race, and pre-determining the course of things with a view to its realisation."[2]

According to this theory all wars tend in the long run to unite the human race. Seeking to avoid the suffering and poverty which war entails, man is driven in self-defence to limit its operation. To this end empires, confederations and federations are formed, often as the direct result of wars. Nations become grouped together, because in this way they consciously or unconsciously hope to lessen the incidence of war. Kant predicts that after many vicissitudes, buffetings and scourgings the nations will be compelled to establish a federation of free states, based upon the principle of voluntary assent and conformation to the reign of law. This is the ultimate development to which mankind will be driven to save itself from sheer annihilation : this is the goal which Nature has decreed.

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[1] *Perpetual Peace*, trans. Smith, p. 143.

[2] *Id.*, pp. 143–144.

What were Kant's views regarding sanctions ? How is the world confederation of free nations to maintain the reign of law ? He does not make any clear or definite pronouncements on this point. It is true that he denounces standing armies, but these standing armies are controlled and mobilised by each independent State. In Kant's federation they would presumably become merged into one international force for the defence of all and as a guarantee of the observance of the rules and constitution of the federated society.

It is, however, clear that Kant regarded military sanctions as an important factor in the organisation of his federation, for he says : "To all this diversity of individual wills there must come a uniting cause, in order to produce a common will which no distributive will is able to give. Hence, in the practical realisation of that idea, no other beginning of a law-governed society can be counted upon than one that is brought about by force ; upon this force, too, public law afterwards rests."[1] And again : "Such a problem must be capable of solution. For it deals, not with the moral reformation of mankind, but only with the mechanism of nature ; and the problem is to learn how this mechanism of nature can be applied to men, in order so to regulate the antagonism of conflicting interests in a people that they may even compel one another to submit to compulsory laws and thus necessarily bring about the state of peace in which laws have force."[2] In the *Principles of Progress* Kant shows that against European anarchy there is "no possible remedy but a system of International Right founded upon public laws conjoined with power, to which every State must submit."[3]

The construction to be placed on these utterances appears to be that once sanctions are created "the law-governed society" begins to function; that the "uniting cause" expressing the "common will" may find its "practical realisation" in an organised force, which can only mean an international police: further, that the "problem" resolves itself into "learning how this mechanism of nature can be applied" so as to produce a coercive effect in the administration of international law.

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[1] *Id.*, p. 164.

[2] *Id.*, p. 154.

[3] In *Principles of Politics*, trans. W. Hastie, p. 75.

Kant's view that the tendency of war is to bring together the various elements of the human race is supported by the salient facts of modern history. The wars of Napoleon prepared the way for a united Italy; they closed the gaps in the ranks of the Germanic Federation, to be finally cemented by the blood and iron of 1870. The American Civil War made "one and inseparable" a great republic, endowing it with a national consciousness which hitherto it had not possessed. The Boer War culminated in the Union of South Africa. But the greatest and most recent example is to be found in the establishment of the League of Nations. Well may we enquire, must mankind again bleed itself white in order that this latest expression of Kant's theory can endow itself with a world consciousness upon which alone it can securely rest? Can no substitute be found?

War hypnotises its victims. Under this magnetic process they are drawn closer together. When its influence ceases to operate, they tend to draw apart once more. But reaction follows upon reaction until at length the high-water mark is reached and the confederation of mankind is consummated. It is the ebb and flow of the tide.

Kant's doctrine of the inevitability of perpetual peace has in these latter days received fresh confirmation. Applied science has, in the space of a few years, presented mankind with weapons whose powers of destruction surpass all human imagination. "The mechanism of nature" has not been idle; it has forced the pace with a vengeance. War is no longer to be regarded merely as a source of suffering and impoverishment. In the twentieth century the "mechanism of nature," reinforced by scientific discoveries, means annihilation, the downfall of civilisation. Perhaps Kant prophesied better than he knew. In any case we shall agree with his conclusion that "as the periods in which a given advance takes place towards the realisation of the ideal of perpetual peace will, we hope, become with the passing of time shorter and shorter, we must approach ever nearer to this goal."[1]

XIV

Alexander I and the Holy Alliance

IT might well be imagined that at the end of the Napoleonic struggle, when Europe lay gasping, when from Moscow to Paris the war trail had been blazed in countless graveyards and ruined homes, the monarchs and diplomatists would call a halt. Here was a unique opportunity for establishing the reign of law. The nations lay prostrate, their resources exhausted; the war monger had been banished to a distant island; the attempt to achieve hegemony had utterly failed; the fires of revolution had burnt low; the liberties of Europe were no longer menaced. No conditions could have been more opportune or circumstances more favourable to lay the foundations of a lasting peace. The peoples cried out for peace, but there was none to deliver them. "The time of Areopagus" was not yet.

The rulers of Europe and their plenipotentiaries met in Vienna. They remodelled the map of Europe, and the first British plenipotentiary "produced a scheme by which the new order of things was to be guaranteed by all the Powers of Europe. The idea of some special machinery for the preservation of peace was in the air."[2] On February 13th, 1815, Castlereagh wrote to his Cabinet that he had submitted to the Emperor Alexander "that the best alliance that could be formed in the present state of Europe was that the Powers who had made the peace should by a public declaration at the close of the Congress announce to Europe, whatever difference of opinion may have existed in the details, their determination to uphold and support the arrangements agreed upon and further their determination to unite their influence, and if necessary their arms, against the Power that should attempt to disturb it."[1]

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[1] *Perpetual Peace*, trans. Smith, p. 196.

[2] *Cambridge History of British Foreign Policy*, Vol. I, p. 491.

The Emperor entered cordially into this idea and desired a Projet of Declaration to be prepared. "Though the Monarchs," ran the Projet, "whilst to-day independent, are sufficiently united by the memory of their past misfortunes and by common regard for their supreme interest, they have made only one single and sacred covenant, namely to subordinate every other consideration to the maintenance of inviolable peace and to the stifling at birth of every project which tends to overthrow the established order and to provoke anew the disorders and calamities of war by common and concerted action or, if this pacific method should fail, then by the sincere combination of all the means which Providence offers."[2] The other Ministers approved of the scheme, but the return of Napoleon brought the Conference to a speedy end, and the Treaty of Vienna was issued as a sanctionless pact.

Although the project was not incorporated in the Treaty, the Emperor Alexander sincerely desired to organise peace in a distracted world and, nothing daunted, on the morrow of victory, he launched his declaration for a Holy Alliance. This well-intentioned but ill-thought-out proposal was conceived on the basis of the co-operation of all the crowned heads of Europe. Its atmosphere was distinctly religious. It rested on friendship rather than justice, on a benevolent despotism as opposed to the liberties of the peoples. It was intended to eliminate war no less than to quell insurrection and civil strife.

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[1] Cf. C. K. Webster in *Transactions of the Royal Historical Society*, 1912, pp. 68–75.

[2] Angeberg, *Le Congrès de Vienne*, pp. 865–866.

Alexander, like his successor President Wilson one hundred years later, found that his scheme evoked the secret hostility or cynical indifference of some of his allies, whilst others, professing their attachment to his high ideals, were prepared to use it for the advancement of their own selfish interests.

Alexander received scant assistance from his colleagues. Had there been at his elbow an Aristotle, a Justinian, or even a Saint-Pierre to guide his enthusiasm and to mould his benevolent intentions, had he founded his Alliance on the basis of law and sanctions, he might have bequeathed to posterity at least the foundations of an imposing edifice.

The Great Powers had remodelled the map of Europe at Vienna. They then proceeded to call into existence the Quadruple Alliance, and arranged for the occupation of French territories. "Diplomacy by Conference"[1] was the watchword of the Quadruple, which, after the admission of France, became known as the Quintuple, Alliance. This shadowy body possessed no constitution. Its membership was limited to the five Great Powers, the lesser constellations in the international firmament being entirely excluded. It paid little heed to the doctrine of non-intervention and ignored the existence of small Powers. Upon these two rocks it came to grief. The policy of "no commitments" held the field: consequently the suggestions proposed by Castlereagh for endowing the decisions of the Alliance with sanctions were still-born. A court of international justice, an arbitration tribunal, loomed beyond the horizon of the Foreign Ministers who attended these conferences. It was felt, however, that misunderstandings might be removed, questions of common interest discussed and disputes averted if the normal diplomatic procedure was supplemented by a system of periodical conferences.

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[1] Cf. C. K. Webster, *Foreign Policy of Castlereagh*, p. 59.

The death of Castlereagh, followed by Canning's accession to the Foreign Office, brought even these mild proceedings to an end. Canning's famous maxim, "Every country for itself and God for us all,"[1] provided the text from which, during the nineteenth century, his successors in England, no less than in other countries, drew their inspirations and formulated their policies. If this was the age of undiluted individualism in other spheres, the same description can also be applied to the realm of foreign relationships. An exaggerated insistence on national rights, an overweaning sense of sovereignty, a splendid isolation, developing at a later stage into a frenzied race for armaments, were characteristic of the period. Occasionally the gloom was relieved by disinterested and unselfish demonstrations on behalf of some oppressed nation. Such were Mr. Gladstone's interventions in the Balkans and elsewhere. But these spasmodic flashes only served to reveal the pagan darkness enveloping the chancelleries of Europe.

XV

Modern Proposals

THE beginning of the twentieth century marked a new era in the development of international law, and the proposal for the institution of international sanctions and the creation of an international police force was renewed.[2] The seeds sown by the Peace Society and similar organisations had germinated and were beginning to bear fruit. It was not in vain that Henry Richard and Joseph Sturge journeyed to Paris in 1856[3] and persuaded Lord Clarendon, the British plenipotentiary, to lay before the Congress a protocol of arbitration which received the assent of the Powers.[1] It is true that this protocol only expressed the pious hope that henceforward the signatories would adjust their differences by submitting them to arbitration, and did not in any sense bind them to do so. It is, however, a landmark inasmuch as it is the first occasion on record that any declaration of this kind had been made by the Great Powers.[2] Between 1856 and 1900 at least 165 arbitration treaties were ratified.

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[1] Canning to Bagot, January 3rd, 1823: Captain J. Bagot, *George Canning and his Friends*, Vol. II, p. 152.

[2] In 1915 there was published by Martinus Nijhoff at The Hague a volume entitled *War Obviated by an International Police*, consisting of essays and speeches by seventeen authors of seven nations. It forms an invaluable handbook to the student of the problem of international security. The frequent references made to it necessitate its citation as *War Obviated*.

[3] C. S. Miall, *Henry Richard*, pp. 106–109.

The cause of disarmament, however, made little or no progress. On the contrary, whilst the nations were busily engaged in signing arbitration treaties, they strove with all their might to build up colossal armaments which, they fondly believed, would provide sufficiently powerful deterrents to ward off any attack on the part of their neighbours.

It may well be asked how it was that so little progress was achieved in disarmament when the campaign on behalf of arbitration could demonstrate such solid results. At least two reasons may be assigned for this lack of success. In the first place, the members of the Peace Society itself and of similar organisations were divided on the question. Some of them demanded total disarmament, whilst others were only prepared to advocate an all-round reduction of the military and naval forces at the disposal of each State. Between the exponents of the theory that all force, used for whatever purpose, is immoral and those who advocated forces sufficiently strong to protect their respective countries, there was a wide gulf which prevented them from acting unitedly.

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[1] "The plenipotentiaries do not hesitate to express, in the name of their Governments, the wish that States between which any serious misunderstandings may arise should, before appealing to arms, have recourse as far as circumstances might allow, to the good offices of a friendly Power."—Protocol of April 14th, 1856 (Hertslet, *Map of Europe by Treaty*, Vol. II, p. 1277) between Great Britain, Austria, France, Prussia, Russia, Sardinia and Turkey, and adhered to by thirty-one other States.

[2] The cardinal importance of this resolution was recognised at the time by Gladstone. "As to the proposal," he said in the House of Commons on May 6th, 1856, "to submit international differences to arbitration, I think that in itself it is a great triumph. It is perhaps the first time that the assembled representatives of the principal nations of Europe have given an emphatic utterance to sentiments which contain, at least, a qualified disapproval of a resort to war, and asserted, at least, in qualified terms, the supremacy of reason, of justice, humanity and religion."—*Hansard*, 3rd Series, Vol. 142, Col. 99.

In the second place, no attempt appears to have been made by the advocates of disarmament to make provision for the security of the States which they proposed to disarm, whether completely or partially. The only security which they could suggest was still to be found in the national armies and navies of the respective States. They lacked the vision to see and the faith to believe that organised force in the form of sanctions has still an important rôle to play in the evolution of mankind and the progress of civilisation. They do not appear to have realised that arbitration, security and disarmament go hand in hand. This discovery only seems to have been realised during the last few years in the discussions which have taken place at Geneva regarding the Draft Treaty of Mutual Assistance and the Protocol of 1924. After 1900, however, the idea of creating international sanctions in the shape of some kind of international police force was freely discussed. Notwithstanding the fact that the First Peace Conference in 1899 devoted its attention in the main to the question of arbitration, whilst the second, in 1907, directed its labours to the codification of international law, several discussions took place elsewhere regarding the practicability of establishing an international police force. The initiative in this matter appears to have come from the United States and from Holland, although distinguished representatives of other countries also contributed their views.

XVI

American Proposals

IT is astonishing to find how far the United States was prepared to go. In 1910 the following resolution was submitted to Congress, and received the assent of the Senate and the House of Representatives: "RESOLVED . . . that a Commission of five members be appointed by the President of the United States to consider the expediency of utilising existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement, and of constituting the combined navies of the world an international force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war."[1]

Steps were subsequently taken by President Taft to ascertain the views of the European governments on the proposal contained in the above resolution. In February 1911, Sir Edward Grey, the Foreign Secretary, alluded to it in the following declaration: "In December last the United States Ambassador brought to my notice the joint resolution passed by the Senate and House of Representatives on the subject. His Excellency enquired whether there was a prospect of co-operation on the part of His Majesty's Government, and, if so, to what extent; and my reply was to the effect that His Majesty's Government had always taken the keenest interest in the plan of an international agreement for this purpose, and would therefore most readily enter into a full and frank interchange of views with the United States Government upon the subject, and would lend their support to any well considered and practical scheme which might be brought forward by the United States Government. His Majesty's Government welcomed the joint resolution of the Senate and House of Representatives, and would look forward with sympathetic interest to the conclusions at which the proposed Commission might arrive. Should the Commission be able to formulate a scheme on definite lines it would receive the most friendly consideration at the hands of His Majesty's Government."[1] In a subsequent debate on the Army Estimates, he said, "Some armies and navies would remain, no doubt, but they would remain, then, not in rivalry with each other, but as the police of the world."[2]

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[1] H. J. Resolution 223: *Congressional Record*, 1910, Vol. 45, Part 8, p. 8545. The resolution, with the addresses of Mr. Bartholdt and Mr. Bennet in support, is reprinted in *War Obviated*, pp. 179–182.

From this reply it will be seen that the British Government were prepared to consider any practical schemes which might emanate from the deliberations of the Commission on the other side of the Atlantic. No objection was raised to the principle underlying the proposal. On the other hand, no pledge was given other than a promise to consider "with sympathetic interest" the project for an international navy. If it was possible to go thus far in 1911, how much easier is it to bestow the same "friendly consideration" on any similar project in 1930, when the German fleet, an insuperable obstacle in pre-war days, now lies rotting at the bottom of the sea.

Apparently the responses elicited by this proposal from the other European governments were not encouraging, and no further steps seem to have been taken to bring about its practical realisation. Well may we exclaim, O! great republic of the West, sprung from the loins of these self-same European States, how hast thou fallen from thy high estate. Why did'st thou offer this rare and refreshing vintage to the parched lips of humanity only to strike the cup from their blood-stained hands when Armageddon had run its course.

The chief exponent of the idea of an international police force was President Roosevelt. In his Message to Congress in 1904,[1] Roosevelt points out that the foreign policy of a country depends upon the armed forces which that country can command, and that it is ridiculous to take up positions in regard to international problems unless these positions can be supported, if necessary, by adequate force. After pointing out that complete disarmament would result in a recrudescence of barbarism in one form or another, he says: "A sufficient armament would have to be kept up to serve the purposes of international police."[2]

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[1] House of Commons, February 23rd, 1911: *Commons Debates*, 5th Series, Vol. 21, Col. 2215.

[2] House of Commons, March 13th, 1911: *Commons Debates*, 5th Series, Vol. 22, Col. 1991.

In an address delivered before the Nobel Prize Committee at Oslo in 1910,[3] he is even more emphatic. He tells his audience that: "It would be a master stroke if those great powers honestly bent on peace would form a League of Peace, not only to keep the peace among themselves, but to prevent, by force if necessary, its being broken by others. The supreme difficulty in connection with developing the peace work of the Hague arises from the lack of any executive power, of any police power to enforce the decrees of the Court. In any community of any size the authority of the courts rests upon actual or potential force, on the existence of a police, or on the knowledge that the able-bodied men of the country are both ready and willing to see that the decrees of judicial and legislative bodies are put into effect. In new and wild communities where there is violence an honest man must protect himself; and until other means of securing his safety are devised, it is both foolish and wicked to persuade him to surrender his arms while the men who are dangerous to the community retain theirs. He should not renounce the right to protect himself by his own efforts until the community is so organised that it can effectively relieve the individual of the duty of putting down violence. So it is with nations. Each nation must keep well prepared to defend itself until the establishment of some form of international police power, competent and willing to prevent violence as between nations. As things are now, such power to command peace throughout the world could best be assured by some combination between those great nations which sincerely desire peace and have no thought themselves of committing aggressions. The combination might at first be only to secure peace within certain definite limits and on certain definite conditions, but the ruler or statesman who should bring about such a combination would have earned his place in history for all time, and his title to the gratitude of all mankind." [1]

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[1] Reproduced in *War Obviated*, p. 145.

[2] *Id.*, p. 148.

[3] May 5th, 1910: Reproduced in *War Obviated*, p. 149.

In 1914 he returns to the subject in a book entitled *Why America Should Join the Allies*.[2] In this treatise the ex-President proposes "that the efficient civilised nations—those that are efficient in war as well as in peace—shall join in a world league for the peace of righteousness. This means that they shall by solemn covenant agree as to their respective rights which shall not be questioned; that they shall agree that all other questions arising between them shall be submitted to a court of arbitration; and that they shall also agree—and here comes the vital and essential point of the whole system—to act with the combined military strength of all of them against any recalcitrant nation, against any nation which transgresses at the expense of any other nation the rights which it is agreed shall not be questioned, or which on matters that are arbitrable refuses to submit to the decree of the arbitral court. . . . This treaty shall put force back of righteousness, shall provide a method of securing by the exercise of force the observance of solemn international obligations." [3] He then proceeds to elaborate a plan [4] which, after describing the composition of the world league, the qualification for membership thereof, the organisation and composition of the international court and the rules and limitations by which it is to be governed, provides for international sanctions by laying down that "the nations should severally guarantee to use their entire military force, if necessary, against any nation which defied the decrees of the tribunal or which violated any of the rights which in the rules it was expressly stipulated should be reserved to the several nations, the rights of their territorial integrity and the like."[1] The nations outside the league who do not possess the necessary qualifications for membership are to be allowed to submit their respective cases to the arbitration court, but they are to have no right to take part in the nomination of judges, "for no people are entitled to do anything towards establishing a court, unless they are able and willing to take the risk, labour and self-sacrifice necessary in order to put police power behind the court."[2]

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[1] Reproduced in *War Obviated*, pp. 149–150.

[2] Extracts from this book are reproduced in *War Obviated*, at pp. 150–157.

[3] *Why America Should Join the Allies*, pp. 22–23; *War Obviated*, pp. 150–151.

[4] See Appendix C.

Without going into the merits or defects of Roosevelt's plan, the one point which stands out in all his utterances on the subject of world peace is his insistence upon the absolute necessity of providing sanctions in the form of some kind of international police force, thus ensuring that the nations which enter into this pact shall be safeguarded from what he describes as "the peace of injustice."[3] It is also significant that a practical statesman with a wealth of experience should boldly proclaim on several occasions his willingness, nay, even his ardent desire, to employ the combined military and naval forces of all the nations for the sole purpose of maintaining the sanctity of international law and providing sanctions for the decisions of an international court.

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[1] *Why America Should Join the Allies*, pp. 45–46.

[2] *Id.*, p. 47.

[3] "The peace of tyrannous terror, the peace of craven weakness, the peace of injustice, all these should be shunned as we shun unrighteous war."—Presidential Message of 1904: *War Obviated*, p. 146.

In 1913 President Wilson succeeded to the Presidency of the United States. It is clear from his utterances that at one time he shared the views of his predecessor in office, for we find that in his Presidential Address to the Senate in 1917 he said: "Mere agreements may not make peace secure. It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected, that no nation, no probable combination of nations, could face or withstand it. If the peace presently to be made is to endure, it must be a peace made secure by the organised major force of mankind."[1]

At a later date, compelled it may be by the pressure of circumstances, he expressed other views.[2] It is probable, however, that the above quotation represents his personal opinion regarding the necessity for international sanctions.

Besides these distinguished statesmen, two American naval officers, Rear-Admirals Kinkaid and Goodrich, submitted proposals in 1911 for the creation of international sanctions. The former suggested an international navy to the formation of which twelve "leading nations" should contribute equal quotas of warships and personnel.[3] Admiral Goodrich proposed that the Hague Tribunal should be developed into a "real court" with a visible and overwhelming police to compel acceptance of its judgments, even against a party *in abstentia*. He also seems to have contemplated an alliance between the United States and Great Britain pledging their joint forces for this purpose.[4]

Amongst other American protagonists of an international police force were Dr. Nicholas Murray Butler, President of Columbia University, and Andrew Carnegie,[1] whose benefactions to the cause of peace are so well known throughout the world.

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[1] Address to U.S. Senate, January 22nd, 1917: *British and Foreign State Papers*, Vol. CXI, pp. 875–876.

[2] See chap. III, p. 131.

[3] The proposals are reproduced in *War Obviated*, p. 158.

[4] Admiral Goodrich's proposals were made in an article in *The Nineteenth Century*, July 1911.

Writing in 1912, Dr. Butler says: "So long as human nature remains human, the several nations will each require their systems of police, and the world at large will require an international police; but this international police, while constituted of armies and navies, will, when it comes, be constituted in a way and from a point of view quite different from armies and navies maintained for offensive war."[2]

Mr. Carnegie, delivering his speech at the Palace of Peace in 1913, used these words: "These Great Powers should then engage to act in concert against disturbers of the world's peace, if any such should present himself, which would hardly be possible from the moment when such an association as I have mentioned became an accomplished fact."[3]

In June 1915 there was established the League to Enforce Peace. Mr. W. H. Taft was the first President, and the League included a number of the most influential men in America. The principles on which the League was based were the submission of all justiciable disputes to a judicial tribunal for hearing and judgment; the submission of all other disputes, not settled by negotiation between the disputants, to a council of conciliation for hearing, consideration and recommendation; and the joint use by the signatory powers of their economic and military forces against any one of their number that resorted to war or committed acts of hostility against another of the signatories before a question arising between them had been so submitted.[4] "The signatory powers shall jointly use, forthwith, their economic forces against any of their number that refuses to submit any question which arises to an international judicial tribunal or council of conciliation before issuing an ultimatum or threatening war. They shall follow this by the joint use of their military forces against that nation if it actually proceeds to make war or invades another's territory."[1]

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[1] His views are expressed in a speech delivered at the Hague Peace Palace, August 29th, 1913, extracts from which appear in *War Obviated*, p. 184.

[2] *The International Mind*, p. 176.

[3] *War Obviated*, p. 185.

[4] *Enforced Peace*, pp. 6–8.

Before her entry into the war it could truly be said that the Republic was the pioneer of peace. Does her present policy of isolation mean that she has abandoned this proud rôle, or is she only gathering strength for a fresh and more determined onslaught upon those disruptive and reactionary forces which menace and retard the progress of civilisation?

XVII

Views of Dutch Publicists

HOLLAND has also made notable contributions to the discussion of this problem. Several distinguished Dutch statesmen and publicists have warmly espoused the cause of an international police force. Amongst these is Professor Vollenhoven of Leyden University, who championed the cause of an international force at the Twentieth International Peace Congress at The Hague,[2] and on other occasions expressed the view that no permanent peace could be expected until international law had been equipped with sanctions. In his address to the Congress he said: "Those large armies, created and kept up for the defence of justice, are too often a temptation to their governments to use them for the defence of interests wholly unlawful; the navies, built to ward off attack, frequently attack in their turn. There is no better means of rooting out this criminal appetite than to root out the very instrument now at its disposal, that is to say, to replace the present national armaments by an international force.'[1] He regarded the creation of an international police force as the next step in the evolution of international relationships. "It is not the ultimate object," he observes. "Once the house is perfect, the scaffolding may be pulled down. This gradual extinction will be effected automatically, naturally: for as the national armaments disappear, as goodwill increases among the nations, as the world-organisation becomes stronger, the international police will be able to limit its intervention, and cashier its soldiers."[2]

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[1] *Enforced Peace*, p. 8.

[2] *War Obviated*, p. 73. Others of his papers are included.

His Excellency Baron von Asbeck, of the Dutch Royal Navy, in 1911 elaborated a plan for constituting an international navy.[3] He suggested that all the naval powers should place their fleets at the disposal of the international authority. He also proposed that an international board of naval officers should be organised at The Hague to act as a headquarters staff to co-ordinate the activities of all the national units composing the international navy.

Lieutenant-General J. C. C. den Beer Poortugael, formerly Minister of War, writing in 1912, supported the project of compulsory arbitration coupled with the creation of an international army.[4] He declared his belief that the organisation of this force would bring about general disarmament. For it will allow "the gradual reduction of the private armies and fleets of States, which would prepare the way for a future, probably far distant, in which the States only retain for themselves an army of police for the preservation of internal order."[5] Each State is to supply and maintain its own contingent or quota, the size of which is to be determined by the population of the contributing State. The States possessing colonies will retain separate armies and navies for the purpose of maintaining order in those dependencies. There is to be a headquarters staff upon which all the co-operating States are to be represented. The executive authority which sets the police force in motion is vested in the permanent court of arbitration or in a special court composed of statesmen nominated by the national governments. Stress is laid upon the necessity of clearly defining the functions of the international police force. "Nothing must be left vague. Everything must be settled, its lines of conduct distinctly laid down, so that it will be impossible for it to exceed its proper limits."[1]

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[1] *War Obviated*, p. 80.
[2] *Id.*, p. 81.
[3] *Id.*, p. 83.
[4] *Id.*, p. 97.
[5] *Id.*, p. 99.

XVIII

Other Views

BEFORE the war international lawyers appear to have been divided on this subject. The hoary supporters of ultra-sovereignty condemned the proposal root and branch, whilst the modern school regarded the organisation of sanctions as the next step in the evolution of international law. Amongst the latter were Rafael Erich of the University of Helsingfors, who has represented Finland at several League Assemblies, Walther Schuecking of Marburg University, later a member of the Permanent Court, Alfred H. Fried, awarded the Nobel Prize in 1910, Sir John Seeley, Sir Charles Walston, and T. J. Lawrence, the well-known English publicists.

Professor Erich pointed out in 1913[2] how important it was to decide "whether it would be possible and whether it would be desirable to introduce an actual organised force into the field of International Law, that should not be dependent upon the more or less casual co-operation of certain powers." "All these fears," he says of the threatened menace to sovereignty and destruction of international laws, "which in themselves are very much exaggerated, will lose their meaning as soon as it has actually been demonstrated that the introduction of this novelty supplies a real international want, and this state of things will in all probability sooner or later arise."

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[1] *War Obviated*, p. 103.

[2] *Id.*, p. 127.

Dr. Schuecking is well known for his indefatigable efforts on behalf of peace in Europe and by his reputation as a distinguished international lawyer. Writing in 1912,[1] he makes the following observations: "By the existence of a police force, the possibility would be given of providing the necessary guarantee for the whole complex of international law as codified at The Hague. This would mean an advance with immeasurable possibilities."

Sir John Seeley, the distinguished historian, associates himself with the "glorious company" of those who have advocated an international police force. "There has been found hitherto," he says, "but one substitute for war. It has succeeded over and over again: it succeeds regularly in the long run wherever it can be introduced. This is to take the disputed question out of the hands of the disputants, to refer it to a third party whose intelligence, impartiality and diligence have been secured, and to impose his decision upon the parties with overwhelming force. The last step in this process, the power of enforcing the decisions by the federal union only, is just as essential as the earlier ones, and if you omit it you may just as well omit them too."[2]

Another distinguished scholar who has strenuously supported the ideal of an international police force is Sir Charles Walston. His campaign began in *The Expansion of Western Ideals*, published in 1899.[3] "Then," he says of the time when the international force shall have been instituted, "we shall be prepared to make an end of war: because behind the great humanitarian idea there will be the power to safeguard these ideas. 'No right without might' is a cynical aphorism of which history has proved the truth. To be effective, the law must have behind it the power to enforce its decisions. It is so in national and it will be so in international law. . . . I can see this great Confederacy of the future established permanently with its local habitation. . . . Here will be assembled, always ready to carry into effect the laws enacted, an international army and an international fleet—the police of the world's highways. No recalcitrant nation . . . could venture to oppose its will to that of the supreme representative of justice."[1]

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[1] *War Obviated*, p. 196.

[2] In a lecture delivered February 28th, 1871, reproduced in W. Evans Darby's *International Tribunals*, p. 184.

[3] "Since 1898 I have ventured positively to construct the outlined organisation of such a body, which must take the form of a Super-national Jury backed by a Super-national Police."—*Harmonism and Conscious Evolution*, p. 370.

In 1922, in the light of more than twenty years' experience, he says that "the whole conception of the State as the unit of society is proving more and more to be insufficient."[2] "The so-called League of Nations," he continues, "in its present form cannot be practically effective in supplying the one supreme want of our age. . . . The two main demands which the world makes of such a body are . . . that its decisions can and must be carried into effect. Neither of these conditions is fulfilled by the bodies which have until now been established."[3]

"What the world is clamouring for," he says again, "is an organisation which should be so organised as to insure the greatest possible confidence in the impartiality of its judgments and decisions."[4]

Professor Lawrence in his *Principles of International Law*, published in 1911, draws attention to the necessity for an international police force in the following sentence: "The truth is that in the last resort war is the only safeguard for what virile nations hold more dear than material prosperity—their independence, their honour, their position of influence in the world. And therefore war

[1] Pp. 109–110.

[2] *Harmonism and Conscious Evolution*, p. 365.

[3] *Id.*, p. 370.

[4] "Can the League of Nations be Saved?": *Documents of American Institute of International Conciliation*, 1923, p. 894.

will endure, till overbearing and unscrupulous States are restrained by international tribunals and a strong international police force."[1]

XIX

The League to Abolish War

THIS does not by any means exhaust the list of distinguished and learned persons who have expressed views similar to those quoted above. In Great Britain a society, the League to Abolish War, was formed in 1916 to inculcate the idea of the establishment of an international police force. The life and soul of this organisation was the late Herbert Stead, whose brother, W. T. Stead, will be remembered as the pioneer of so many humanitarian causes.

Herbert Stead, founder of the Browning Settlement, was an ardent and disinterested advocate of peace, but he never wavered in his conviction that without international sanctions treaties, pacts and conventions were powerless to avert the crime of aggressive war. It was for this reason that during the last few years of his life he devoted his boundless energy in advocating the claims of the 1924 Protocol upon his fellow-countrymen.

Closely associated with Stead and his League were a number of international reformers who shared his belief in the necessity for sanctions. The most prominent of these is the lineal descendant of Robert Owen, the Co-Operator, the Rt. Hon. G. N. Barnes, who whilst serving as a member of the War Cabinet played a leading part in the establishment of the International Labour Organisation during the Peace Conference of 1919. With his shrewd insight and practical common sense, he sought to identify the interests of labour, no less than the welfare of industry as a whole, with the infant League of Nations, at that moment struggling into existence. But his enthusiasm for this project did not prevent him from pointing out in his speech to the Plenary

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[1] *Principles of International Law*, 4th edition, p. 575.

Conference what he conceived to be a serious omission in the Covenant. "I am afraid," he said, "that when the time comes for the enforcement of decrees, if ever it does come, which God forbid, there may be delay and confusion on the part of the League. What I am afraid of is that an aggressive nation might again try to break through, and win its way to its object before the forces of mankind can be mobilised against it. Therefore, I should have been glad to have seen some provision for the nucleus of an international force which would be ready to strike against an aggressive nation."[1]

In 1920 the League to Abolish War organised a deputation to the Prime Minister. The chief spokesmen on behalf of the deputation were Mr. Barnes, Bishop Gore and Mr. Hodges. The response of the Prime Minister, Mr. Lloyd George, and Lord Balfour to the deputation's request was, to say the least, not encouraging, but as apparently the deputation had no practical scheme to put forward, the main issue was easily sidetracked.[2] This interview affords an illustration of the casual manner in which our rulers dispose of these vital problems.

XX

Conclusion

"THERE is nothing new under the sun." In this chapter an attempt has been made to trace the idea of international sanctions from the time of its inception to the present day. Other schemes have been suggested at various times which do not appear in the list; other pronouncements by individuals have been omitted. But enough has been said to demonstrate that for many centuries statesmen, philosophers and publicists have urged the vital necessity of including the provision of sanctions in any effective design to secure international justice and the prevention of war. As Vollenhoven points out, "well-known naval officers have worked out its main principles, lawyers have elaborated it in connection with treaties already in force, cabinets, at the initiative of America, have had to consider it, and an English cabinet minister has referred to it as a possibility."[1]

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[1] Plenary Session of the Peace Conference, February 14th, 1919; Miller, *The Drafting of the Covenant*, Vol. II, p. 575.

[2] The deputation was received on June 16th, 1920. In view of their inability to submit concrete proposals on the general question of the provision of sanctions, the discussion centred on the purely temporary difficulties which existed at that moment. The principal argument of the representatives of the Government was that the military commitments of the Great Powers were already so onerous that none of them, with the possible exception of the United States, could spare any forces for the service of the League.—Cf. *The Times*, June 17th and 19th, 1920.

But, no doubt, the question may be asked, why is it that in spite of all the opinions expressed in its favour so little progress has been achieved? In 1914 a similar question might well have been asked—why was it that no permanent and well-established international organisation existed for the prevention of war? In 1919 this question is partially answered in the Treaty of Versailles by the incorporation of the Covenant of the League of Nations, although the principles underlying the League had been discussed hundreds of years before. That the international police force has not yet been called into existence is no answer to the arguments which have been advanced on its behalf. That it will arrive sooner or later is as sure as that the day follows the night. The vital question which confronts humanity is whether or not this new development will have to be purchased at a price in blood and treasure which will not only stagger but may annihilate our civilisation. This is the problem of the twentieth century.

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[1] *War Obviated*, p. 15.

CHAPTER III

THE LEAGUE AND AFTER

> " Ten years of faith-healing for the sickness of the world are enough. It is time that the issue between peace by treaty and peace by coalescence was made plain and real work for world peace begun."
>
> H. G. Wells.

I

The Preliminaries

THE Great War came to an end on November 11th, 1918, four years and three months after the first shot was fired. During this comparatively short period almost every nation in Europe had been dragged into the struggle, either in defence of its liberties, or in the hope of acquiring fresh territories at the expense of a vanquished foe. Nor was the conflagration confined to a single continent. It raged far and wide: from the Yellow Sea to the Falkland Islands, from the ice-bound shores of Archangel to the snow-clad heights of Kilimanjaro. White men, black men, yellow men and even red men were involved in this desperate encounter. We cannot help being reminded of Macaulay's description of a similar episode two hundred years ago: " The whole world sprang to arms. On the head of Frederic is all the blood which was shed in a war which raged during many years and in every quarter of the globe, the blood of the column of Fontenoy, the blood of the mountaineers who were slaughtered at Culloden. The evils produced by his wickedness were felt in lands where the name of Prussia was unknown; and, in order that he might rob a neighbour whom he had promised to defend, black men fought on the coast of Coromandel and red men scalped each other by the Great Lakes of North America."[1] Serajevo, hitherto an almost unheard-of town, suddenly leapt into notoriety. Here was produced the spark which ignited the powder magazine. Henceforward its pride of place in the long catalogue of wars which represents the theme of every history book is assured until the crack of doom.

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[1] Macaulay, Essay on *Frederic The Great.*

But the centre of interest had long since shifted from this remote township. It moved, like a bird of prey, during four years of murder and bloodshed from one scene of carnage to another, its vision always obscured by the fog of war, its senses benumbed by the ceaseless flow of propaganda issuing from the belligerent countries. Now it has alighted in Paris, where it remains until the Treaties of Peace are signed. All eyes are turned to Paris. Thither flock the politicians and their retainers, the diplomatists, the jurists, the military hierarchies, the experts skilled in chartography and the drafting of memoranda. But it will be observed that all these learned and distinguished representatives were for the most part men who, prior to the war, had been mainly responsible for the policies, theories and preparations which had culminated in the world catastrophe. However great the burden of guilt resting upon other shoulders may have been, all the nations had acquiesced in the pre-war system of international relationships.[1]

To the political leaders who had in varying degrees supported this system was entrusted the onerous and difficult task of constructing the peace. Under the circumstances it could hardly have been otherwise. But how different the Treaty terms might have been if Saint-Pierre's sage advice had been followed. " The Princes," he says of the Deputies, " shall in their choice have regard to superiority of parts, capacity in business, knowledge of civil law . . . likewise to their character, whether they be moderate, patient, zealous for the

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[1] " He (Mr. Lloyd George) was quite in favour of war now (1911)." —Diary of Field-Marshal Sir Henry Wilson, September, 1911, in Callwell's *Life*, Vol. I, p. 103. For a full account of the origins of the war and of the international system which produced it, see Sidney B. Fay, *The Origins of the World War*.

Preservation of Peace."[1] The conflict of the armed forces was at an end: the battle of the diplomatists had now been staged. But it is not the purpose of this book to discuss the negotiations and settlements of the Peace Conference except in so far as they refer to the "Preservation of Peace."

II

President Wilson

AMONGST the protagonists of the new Jerusalem stood President Wilson, towering head and shoulders above them all. His famous Addresses, Notes and "Points"[2] had already aroused the hopes and expectations of a war-weary world. By all those who sincerely desired a permanent peace and were prepared to sacrifice their imperialistic conceptions, he was acclaimed as the leader. And, at that moment, when civilisation lay stricken on its couch with feeble pulse and emaciated body, who was prepared to question the Wilsonian point of view, or to thwart his attempts to secure a permanent organisation of peace? Certainly not the millions of men who, leaving their homes and families, had been at death's grip during four long years. The mud of France and Flanders, the rocky fastnesses of Italy and Salonica, the sandy deserts of Palestine and Mesopotamia, no longer stirred the martial instincts of these brave fellows. They had gallantly fought in "the war to end war." Now they only wanted peace, a permanent peace, which would save their children and their children's children from the fiery furnace which they had so cheerfully endured. Not the remnant of those millions of men and women scattered all over the world, whose homes had been destroyed, whose possessions had been pillaged, and who in many cases had been driven into the swamps, jungles and mountains to die of hunger and disease.[1] Not the widows and mothers whose husbands and sons would never again be greeted on the family threshold. And, in later years, not the millions of unemployed whose livelihood had been snatched away by the relentless hand of war and who encumbered the Exchequers of almost every country. Not the merchants and tradesmen whose businesses had been ruined.

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[1] Useful Article III of Saint-Pierre's *Project for Settling an Everlasting Peace* (London edition, 1714, p. 153).

[2] In the months immediately before the Armistice Wilson had enumerated Fourteen Points (*British and Foreign State Papers*, 1917–1918, Vol. CXI, p. 953), supplemented by four "Principles," four "Ends" and five "Particulars."—*Id.* pp. 960, 961, 963–964.

In the closing months of 1918 all these humble folk instinctively yearned for peace and hailed President Wilson as their leader. What an electorate, what a constituency, restricted by no territorial or national limits! This was the psychological moment: everything was in the melting pot. The Kantian forces[2] were in full operation, they had reached the highest pitch of their intensity. Would his "Empire of Right" at last be realised? "The self-seeking propensities" had brought the nations to this terrible plight. Would they at last resolve themselves into a confederation based upon voluntary consent, and armed with sanctions to compel obedience, if need be, to the "Higher Purpose"? Here was the opportunity. Here apparently was the leader, the anointed president of the world confederation. Imperialism stood at a discount: its stock had dropped to zero.

Here was the whole world clamouring to be released from the shackles of war. This was one of the fateful moments which decide the future destiny of mankind. A hundred years had elapsed since similar proceedings had been witnessed at Vienna. Then, as now, the cry for peace had been loud and insistent. Then it smote upon the ears of the Czar Alexander: it moved him to pious aspirations, and prompted him to propose an Alliance of Peace. Now his mantle had fallen upon the representative of that "New World" which it almost seemed as though Providence had called into existence to redress the balance of the old.

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[1] In the summer of 1915 the Turks had massacred the Armenians in Turkey and had driven thousands into the desert without food. From 1915 onwards hundreds of thousands had been expelled from Asia Minor. Many had perished in the mountains, some passed to Mesopotamia, some sought Russian protection. Nearly a million Greeks had fled to Greece from Asia Minor, Eastern Thrace and Bulgaria. Bulgars and Belgians, Frenchmen, Italians, Rumanians, in countless numbers, had been exiled from their homes.

[2] See chap. II, p. 91 *et seq.*

When the President arrived in Paris it appeared that the American nation solidly supported his aspirations for world peace. Since 1915 a voluntary organisation, with ex-President Taft at its head, had carried on an active campaign throughout the United States. The League to Enforce Peace was staunchly supported by a number of leading Republicans and, as its title indicates, had advocated the immediate establishment of an association of nations for the prevention of future wars, equipped with sanctions to enforce the submission of disputes to arbitration.[1]

At this moment the backwoodsmen of the Senate may have grumbled in the privacy of their wigwams, but as yet they had not ventured into the open. Their views had not yet been crystallised into vehement opposition. On the contrary, some of them, Senator Lodge for example, had proclaimed their belief in an organisation for world peace supported by military sanctions.[2] To all outward appearances President Wilson spoke for a united and enthusiastic nation. But, like his predecessor Alexander, he could never be certain what action these modern Knights of St. John of Malta might take to thwart his designs.[3]

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[1] "The Signatory Powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility against another of the signatories before any question arising shall be submitted as provided in the foregoing."—Third Article of the Proposals of the League to Enforce Peace, *Enforced Peace*, p. 189. See chap. II, p. 107.

[2] See p. 10, note 1.

[3] "Caulaincourt, who was Napoleon's ambassador at St. Petersburg, relates in his *Memoirs* that one of Alexander's finest regiments was the

Nor were his proposals for a League of Nations received in Paris with any greater enthusiasm than that which greeted Alexander's Holy Alliance. By the peoples he was hailed as a saviour;[1] by the diplomats and politicians, the successors of Metternich, Talleyrand and Canning, he was regarded as an idealist or worse. There is a vast difference between men imbued with a sincere desire for peace whose conception embraces the possibility of a warless world, and those animated by imperialistic aims whose visions are restricted to the pressing problems of the moment. To the latter, war is still part of their stock-in-trade. The acquisition of new territories, the safeguarding of trade routes, the delimitation of strategic frontiers, all become ends in themselves and assume a vital importance when they become detached from the main problem, the preservation of international peace.

III

The Protagonists

GREAT landscape painters possess the faculty of depicting each natural feature—mountain, stream and woodland—in its proper perspective. Their paintings may convey only an indistinct outline of the features of the countryside. Other equally clever artists lavish a wealth of detail on one particular subject which absorbs all their art to the exclusion of its surroundings. So it is with statesmen and politicians. There are idealists and realists. Rarely do we find a combination of the two in one person, the man imbued with broad sympathies who is also able to grasp the means by which

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Horse Guards, in which every private was a Knight of St. John of Malta, and the officers were all noblemen of the highest rank. It was the Guards' Regiment, led by Catherine II, that had compelled her husband to abdicate."—York, *Leagues of Nations*, p. 296.

[1] "'In the eyes of millions of people,' wrote Count Czernin of Austria, 'his programme opened up a world of hope.' 'Of all the Allied leaders . . . it was Wilson who evoked the great popular receptions—unparalleled receptions—in the capitals of Europe'."—R. S. Baker, *Woodrow Wilson and World Settlement*, pp. 2, 21.

his plans may be realised. There was perhaps at that time one man who in a marked degree possessed this combination: a genuine desire for peace and a practical conception for its attainment. M. Léon Bourgeois, the French delegate on the League of Nations Commission, a veteran campaigner in the cause of peace, had represented his country at the Hague Conferences.[1] He had taken an active part in all the pre-war peace movements. M. Bourgeois was under no illusions as to the necessity for equipping the new society of nations with a means of enforcing its decisions. His wide experience of foreign affairs, and his knowledge of international law eminently fitted him to be the representative of a Government which regarded the problem from the practical, no less than the idealistic, standpoint. The French nation excel in the application of logic. They asked for a peace based upon security. In the logical sequence disarmament follows security, and security cannot be realised without applying the co-operative principle to national defence, the defence of each State being merged in the defence of all. Therefore, logic demanded an international sanction, which could be scientifically organised only through the creation of an international police force. Here is the point of contact where the views of the idealists, seekers after justice and peace, should have coincided with those of the realists. Both these points of view were expressed in the attitude taken by M. Bourgeois.

The British view was expounded by Lord Cecil. Here was a personality whose strong convictions and sincere attachments were reinforced by a legal training and a long Parliamentary experience. He leaned towards the idealists, and his text was, with some material additions, the report of the Phillimore Committee, a body of legal and Foreign Office experts who had been appointed by the British Government before the Armistice to explore the ground and make recommendations for the constitution of the new League.[1]

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[1] Léon Bourgeois (1851–1925) represented France at the Hague Conferences of 1899 and 1907. In 1903 he was nominated a member of the Permanent Court of Arbitration, and he was the principal representative of France in the Council and Assembly of the League of Nations until 1924. In 1920 he was awarded the Nobel Peace Prize.

IV

The Preparations

EARLY in 1918 it had been suggested in unofficial quarters that a Joint Allied Commission should meet forthwith in Paris to draft a scheme for the prevention of war.[2] Had this Commission set to work at that time it would probably have produced, under the pressure of military events reinforced by public opinion, a much more radical or, as President Roosevelt would have described it, a much more " virile " Covenant than the one which afterwards emerged. The publication of such a scheme in the summer of 1918 might have hastened the end of hostilities. It might have become the basis of discussion before the final and totally unexpected collapse of the Central Powers.[3] Had it included the provision of definite sanctions, in the form of an international force, an all-round scheme of disarmament, embracing victors and vanquished, might have been substituted for the nebulous provisions contained in Article 8 of the Covenant[4] and Part V of the Treaty. Up till now these promises have never been fulfilled. Moreover, the imperialistic aims of the Allies would have been completely overshadowed by the policy of " the war to end war." Had it been possible to " consult the peoples " at that moment, it is certain that they would have concurred in such a proposal. But it was not to be. The Kantian philosophy was rejected by the leaders. "The great artist nature" had not yet been able to direct and transform the "self-seeking propensities" into the channel of mutual co-operation for the benefit of all. Personal ambition, imperialistic conceptions, territorial aggrandisement, the thirst for complete victory—the knock-out blow—all stood in the way, reinforced by the views of the protagonists of ultra-sovereignty, expressed in the following passage from the Phillimore Report: "The earlier projects which aimed at setting up a kind of European Confederation with a super-national authority we have, after consideration, rejected, feeling that international opinion is not ripe for so drastic a pooling of Sovereignty."[1]

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[1] For the Interim and Final Reports of the Phillimore Committee, March 20th and July 3rd, 1918, see Florence Wilson, *The Origins of the League Covenant*, pp. 114 *et seq.*

[2] Cf. *Everyman*, January 25th, 1918, pp. 373–374 : *Commons Debates*, 5th Series, Vol. 103, Col. 2092 ; Vol. 106, Col. 942 ; Vol. 110, Col. 890.

[3] " We have no right to suppose that our enemies, or the most formidable of them, are crumbling to pieces before the united strength, moral and material, of the Associated Powers."—Earl Balfour, October 23rd, 1918 ; *Times*, October 24th.

[4] See Appendix K.

Thus the path to a permanent peace based upon justice was barred, because the element of force was omitted from the scheme.[2] Nevertheless it was allowed to continue to exist outside the scope of the pooling arrangements.

It is strange, however, that the veto on the proposal for an Inter-Allied League Commission should have been pronounced at Washington. We may well ask what obsession prevented the President from taking a step which obviously would have helped his plans to materialise. Why did he not summon to his aid his predecessor, Mr. Taft, who during the last three years had preached the doctrines of the League to Enforce Peace? Was there no one to whom the President could have entrusted the exposition of his views on an

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[1] Interim Report of League of Nations Committee of British Foreign Office, clause 4; Miller, *The Drafting of the Covenant*, Vol. I, p. 4; F. Wilson, *The Origins of the Covenant*, p. 115.

[2] "The internal peace of every country depends upon the knowledge that force is available to uphold law. . . . So it is with the community of nations. . . . No great country will contribute anything to that peace by saying that there is no principle whatever for which it will stand up, if need be, by the use of force."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 277.

Inter-Allied Commission in Paris? Whatever the answer may be, the fact remains that the psychological moment was allowed to pass. No joint action was taken until after the Armistice had been signed. Consequently, the British Government fell back on the Report of the Phillimore Committee.

General Smuts, a great scholar and soldier, was among those who collaborated in framing the Covenant. "Let the peace," he wrote,[1] "be founded in human ideals, in principles of freedom and equality and in institutions which will for the future guarantee those principles against wanton assault." He realised the futility of a sanctionless League. "While we avoid," he says, "the super-sovereign at one end, we must be equally careful to avoid the mere ineffective debating society at the other end. The new situation does not call for a new talking shop. We want an instrument of government which, however much talk is put into it at the one end, will grind out decisions at the other end."[2] In the avoidance of war he considers the essential element to be the securing of a moratorium in which the inflamed passions of the nations concerned will die down, and the public opinion of the world will be mobilised on the side of peace. When so mobilised, that public opinion will, in most cases, be strong enough to restrain the parties from going to war, but to achieve that object "the opportunity of a moratorium must be guaranteed with all the force which is behind the League."[3] "Without an effective sanction for the keeping of the moratorium, the League will remain a pious aspiration or a dead letter."[4] "I do not think," is his considered opinion, "the League is likely to prove a success unless in the last resort the maintenance of the moratorium is guaranteed by force."[5]

About this time both the French and German

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[1] In "The League of Nations: A Practical Suggestion," reproduced in Miller, *The Drafting of the Covenant*, Vol. II, pp. 23–60, at p. 32.

[2] *Id.*, p. 38.

[3] *Id.*, p. 54.

[4] *Ibid.*

[5] *Id.*, p. 55.

Governments had also been engaged in formulating proposals for the new association of nations.[1]

It will, therefore, be seen that the yeast of the Kantian theory had permeated into almost every Foreign Office in Europe. But unfortunately when hostilities were ended its leavening powers appear to have lost some of their efficiency. When the outside pressure exerted by the War had been relaxed the international and progressive forces in every country were faced with the necessity of consolidating their position, or even of evacuating territory, in order to stave off new attacks by the reactionaries in their rear.

V

The Commission

SUCH was the state of affairs when the negotiations opened in Paris. It is unnecessary to describe the preliminary skirmishing which ended in the appointment of the League of Nations Commission with President Wilson as its Chairman. He had won the first round.

When the Commission met there were placed before it the Hurst-Miller Draft—a draft prepared by the experts of the British and American delegations—and the French and Italian proposals, submitted respectively by M. Léon Bourgeois and Signor Orlando. The Italian scheme included a detailed list of sanctions, one of which was joint war on a recalcitrant State by all the loyal States of the society of nations.

The Commission concentrated on the Hurst-Miller Draft: in fact, it was the only draft considered as a whole. This draft provided sanctions which were virtually identical with those proposed by the Phillimore Committee—the severance of all trade or financial relations, the prohibition of intercourse of all kinds between the nationals of the Covenant-breaking State and the rest of the world, and the use of armed force as recommended by the Council.[2]

[1] See Appendix E.

[2] See Appendix E.

The proposed sanctions of the Hurst-Miller Draft failed to satisfy the French. At the eighth meeting of the Commission, on February 11th, 1919, they proposed as an amendment that the Executive Council should "establish an international control of troops and armaments, and the High Contracting Parties agree to submit themselves to it in all good faith. It will fix the conditions under which the permanent existence and organisation of an international force may be assured."[1] "We must," said Bourgeois, after recalling the famous words of President Wilson two years earlier, "organise a control of troops and armaments of such a kind as definitely to put a stop to preparation for fresh wars on the part of nations acting in bad faith, and to protect honest nations against every sudden attack, for such a thing would indicate a real failure in the organisation of law."[2]

The French proposals emphasised the importance of the provision of sanctions. They suggested the creation of a general staff at the headquarters of the League[3] to co-ordinate the organisation of the national quotas which each country contributed to the joint military force.[4] The size of these quotas was to be fixed in accordance with the estimated total requirements of the League, and was not to be assessed on the basis of the defence of each individual State. The principle of mutual interdependence was carried to its logical conclusion. Organised forces would henceforward be used exclusively for police purposes to enforce the decisions of the international authority.

Disarmament was to be postponed for the moment. It is presumed, however, that the postponement was only intended to be a temporary provision until the international police force had come into existence. It is clear that when this force had been constituted, the existence of national armies and navies would be superfluous.

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[1] Miller, *The Drafting of the Covenant*, Vol. II, p. 292.

[2] *Ibid.*

[3] Article III (iii); see Appendix E.

[4] Article III (ii); see Appendix E.

An alternative to the quota system is suggested, namely, that a mandate should be given to certain States to undertake police duty on behalf of the League.[1] Obviously this was an impossible proposal. It was based on the assumption that the members of the League would be prepared to place its organisation at the mercy of one or two of the Great Powers. It reminds us of the fate which overtook the Delian League when Athens secured naval supremacy over the other members.[2] But apart from this alternative project the French scheme represents a logical plan for the provision of an international force at the disposal of members of the League. It defined and expanded President Wilson's conception of " the organised force of mankind." It introduced the conception of law, as opposed to rules, in the sphere of international relationships.[3] Had it been adopted the society of nations would have emerged upon a surer and more solid foundation. In future the contracts between States would have approximated to the contracts between individuals, and the vital distinction between international and municipal law would have ceased to exist. International justice would have become a reality. But the French proposals were steadily voted down[4] and the only attempt at a compromise was the insertion of Article 9 in the Covenant.

It is unfortunate that no detailed account of the proceedings of the League of Nations Commission in the form of State papers appears to exist. The documents which have found their way to the United States give an outline of the trend of the discussions. It is a matter for regret that these deliberations were not recorded in a formal manner. Future generations have thus been deprived of valuable material upon which to base their judgment of the arguments of the contending parties. It is difficult to understand why the advocates of treaties "openly arrived at"[1] should have deliberately banished even the stenographers from these proceedings.[2] As a result they presented to an expectant world a naked document devoid of information or explanation.

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[1] Article III (i) ; see Appendix E.

[2] See chap. II, p. 63.

[3] See chap. IV, p. 169.

[4] " Not without difficulty could the French be persuaded to desist from their demand which, they held, could alone prevent the Covenant from being a philosophical treatise devoid of practical authority."—Wickham Steed, " The New Europe and the League," in *Universal History of the World*, p. 4917.

We see the nineteen representatives seated round the table. The discussions are in full progress. In the background appear shadowy figures who seem to take the liveliest interest in the proceedings. Behind the President's chair is a varied assortment of individuals. Here are the idealists of the nineteenth century, the leaders of the Peace Society and similar organisations, to whom the idea of force in any form was anathema. The stern features of Joseph Sturge, the outlines of Henry Richard and Elihu Burritt are plainly visible.[3] Behind these are ranged the champions of ultra-sovereignty—Hegel,

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[1] "Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view."—The first of President Wilson's Fourteen Points; January 8th, 1918.—*British and Foreign State Papers*, 1917–1918, Vol. CXI, p. 953.

[2] "'No stenographic reports were taken of the debates on the League of Nations, and such memoranda as were taken it was agreed should be confidential.' . . . 'From the first it was agreed that the meetings should consist of informal interchanges of ideas of which no stenographic report was to be kept.'"—Miller, *The Drafting of the Covenant*, Vol. I, pp. 74, 122, quoting President Wilson and Mr. W. H. Shepardson.

"At the very beginning there were no secretaries present at all."—House and Seymour, *What Really Happened at Paris*, p. 409.

[3] Joseph Sturge (1793–1859) was one of the leading supporters of the Peace Society for many years. See Hobhouse's *Life*.

Henry Richard (1812–1888) acted for a considerable period as Secretary to the Peace Society, and was a Member of Parliament for many years. He strenuously championed the cause of arbitration, and it was largely due to his persistence that the arbitration clause was inserted in the Treaty of Paris (1856), this being the first occasion upon which provisions of this nature had been included in a treaty. See Miall's *Life*.

Elihu Burritt (1810–1879), a prominent American peace reformer, collaborated with Henry Richard in organising the various Peace Conferences held in 1848 and the following years. See Northend's *Life*.

Treitscke and Lasson, whilst moving in the remoter recesses are a heterogeneous collection of famous military leaders, mingled with erstwhile diplomats and the pioneers of armament firms. The diminutive form of Napoleon, the hawk-like features of the Iron Duke, the ascetic countenance of Moltke, are clearly discernible, whilst fleeting glimpses of Bismarck, Metternich, Talleyrand, Clausewitz, Krupp, Creusot and Vickers cross the observer's vision. From all these shadows of the past there comes a whisper, swelling in volume and intensity until it becomes a monotonous chant. " No Sanctions " is the burden of their refrain.

On the opposite side of the table looms the portly figure of M. Bourgeois. Behind him may be distinguished a number of Greek and Roman statesmen and philosophers. Aristotle, Cicero, Henry IV, Sully, Saint-Pierre, Rousseau, Alexander and Roosevelt conspicuously mingle in the throng of international statesmen, jurists and publicists who during past ages have striven for the " Peace of Justice."

Hovering in the background the observer discovers the features of Dante, Grotius, Hobbes and Kant. They appear undecided as to which side of the table they should range themselves. Catching sight, however, of Napoleon and his friends they apparently find no further difficulty in making up their minds.

Behind Lord Cecil stand the ghosts of Castlereagh and Joseph Chamberlain. In a husky voice Castlereagh whispers in his ear, " Avoid the four cardinal errors which I committed when constituting my Quadruple Alliance. Bring the small nations into your scheme ;[1] give it a permanent staff ; let it function continuously and endow it with sanctions ; then it will succeed."

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[1] " The interests of the small powers were deeply affected by the Alliance . . . they adopted an attitude of hostility towards an institution which reduced their influence and importance in Europe. This undoubtedly contributed to the failure of the Alliance to appeal to elements of public opinion from which it might have been expected to obtain support."—C. K. Webster, *The Foreign Policy of Castlereagh*, p. 500.

Chamberlain, leaning over Cecil's shoulder, observes, "I told my people to think imperially. I was wrong, Germany has ruined imperialism. Tell them now to think internationally. Tell them that Roosevelt was right."

How often it is that extremes join hands. The pacifists and the militarists find a common meeting place behind the President's chair.

VI

The Plenary Conference

BUT the French Government was not satisfied with the proposals embodied in Article 9. A sanctionless League did not give them the security they demanded. They carried the debate into the Plenary Conference, where the following resolution was proposed, but was negatived by a large majority: "A permanent organisation shall be constituted for the purpose of considering and providing for naval and military measures to enforce the obligations incumbent on the High Contracting Parties under this Covenant and of making them immediately operative in all cases of emergency."[1]

President Wilson, in his speech on February 14th, 1919, had used these words: "Armed force is in the background in this programme, but it is in the background, and if the moral force of the world will not suffice, the physical force of the world shall. But that is the last resort, because this is intended as a constitution of peace, not as a League of War."[2]

About two years previously he had delivered a message to the Senate saying that a force must "be created as a guarantor of the permanency of the settlement, so much greater than the force of any nation now engaged or any alliance hitherto formed or projected, that no nation, no probable combination of nations, could face or withstand it."[1] On that occasion he had proclaimed the vital significance of sanctions, but now he sought to modify his former opinions by giving utterance to a description of the new League which was as untrue as it was misleading.

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[1] Minutes of the Plenary Session of the Peace Conference, April 28th, 1919; Miller, *The Drafting of the Covenant*, Vol. II, p. 706.

[2] Minutes of Plenary Session of the Peace Conference, February 14th, 1919.—Miller, *The Drafting of the Covenant*, Vol. II, p. 562.

What would Abraham Lincoln have done under similar circumstances? Would he have flinched or swerved from the straight path? Would not his grit and determination have surmounted all obstacles? But his successor was now faced with serious difficulties at home. He had, as we have seen, missed the psychological opportunity before the Armistice. In the spring of 1919 reaction had begun to set in. The Senate had become restive; they threatened a stampede. Senator Lodge proceeded to mobilise the "Old Guard" of the Republican Party. When the President returned to Paris after his hurried visit to Washington he must have realised that no League equipped with the "major force" could hope to run the gauntlet of the Senate. Consequently he may have been compelled to choose between an emasculated and sanctionless League with the United States as a possible member or a virile and practical organisation with America outside the circle of its membership. Confronted with this dilemma, President Wilson could hardly be blamed for adopting the first alternative—obviously he could not contemplate a League which did not include his own country—but he is to be blamed for describing a League which would have provided definite and unmistakable sanctions as a "war league." This declaration appears to be a gross travesty of his former views.

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[1] Address to U.S. Senate, January 22nd, 1917.—*British and Foreign State Papers*, Vol. CXI, p. 876.

VII

The Reactionaries

THE ultimate responsibility for the rejection of both alternatives rests with the American Senate and primarily with the Republican Party. In 1910, as we have seen,[1] when this Party was in office, Congress had proposed the constitution of an international navy, and President Taft had taken steps to approach the European governments for their support. President Roosevelt and other Republicans had advocated an international police force. On what grounds of morality or logic could this historic Party now repudiate its solemn pledges and its avowed intentions? If the American Senate so jealously and tenaciously clings to its treaty-making powers, why was it not possible to charter a special ship, to commandeer an hotel, and to convey the ninety-six Senators to Paris? Was there no method of delegation of powers through the appointment of a Senatorial committee by which this impasse could have been avoided? The American people justly pride themselves upon the practical and common-sense methods which characterise their business undertakings. Here, however, is a palpable constitutional and administrative defect which enabled a mere handful of reactionaries to defy the public opinion of their own fellow-countrymen.[2] President Wilson sacrificed his "major force," but even this course did not avail. The infant League of Nations struggled into existence bereft of its parent and deprived of its heritage of sanctions. The democratic republic, shaking the dust of Europe from its feet, retired into isolation. The war-stricken nations were left to extricate themselves as best they could from the post-war morass. The country of Washington, Lincoln and Roosevelt divested itself of the moral leadership of the world.

To redress the balance, Japan and the smaller nations threw themselves into the breach and the League was launched upon its career.[1] Primarily through the intervention of America it had lost its effective sanctions with no corresponding gain. The distinguishing characteristic of law as opposed to rules had been omitted.

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[1] Chap. II, p. 101.

[2] See chap. I, p. 47.

VIII

The League

NEVERTHELESS, in spite of its defects, the League represents a tremendous advance in international relationships. In comparison with its predecessor, the Hague Conference, there is all the difference between a giant and a pigmy. Here for the first time is a permanent organisation designed to safeguard the interests of peace. Here is a rallying point, a clearing house, which enables the nations which desire peace to mobilise and concentrate their forces. Here is a new sounding board for world opinion. It envisaged a permanent court of justice ready to function at any moment as a substitute for the spasmodic arrangements existing before the war.[2] An Assembly on which all States-members are represented is to meet at stated intervals; a council with executive functions becomes an integral part of its machinery; whilst a new world civil service in the form of the Secretariat is created to endow the organisation with that cohesion and continuity so essential to its progress. A Labour Office, a Health Service and a Committee on Intellectual Co-operation help to remind humanity of its common interests. What an advance upon the old order! How much we owe to the framers of the Covenant, who in the space of a few weeks, in the atmosphere of passion and prejudice engendered by the war, contrived to lay the foundations of an imposing edifice. It represents the only positive and constructive act of the Peace Conference. It is upon these foundations that the international reformers of the future will be compelled to erect their citadel of sanctions if civilisation is to survive.[1]

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[1] In the Council, of which Japan is a permanent member, her representatives, Viscount Ishii and M. Adatci, have rendered pioneer work for the League. M. Oda was elected a member of the Permanent Court at the first election in the 1921 Assembly.

[2] In February, 1920, the Council in accordance with Article 14 of the Covenant appointed a committee of ten jurists who presented a scheme, which was, with a few modifications and amendments, unanimously approved by the Assembly on December 13th, 1920. The necessary number of ratifications was obtained by September 1921, and the Permanent Court of International Justice met for the first time in January 1922.

Thus the infant League was ushered into the world. At the outset it was confronted by three obstacles, which it has since successfully overcome. Firstly, the continued existence of the Supreme Allied War Council threatened to deprive it of its authority and prestige. Fortunately, as the dissensions amongst the war chiefs became acute they gradually retired into comparative obscurity, and the Council died a lingering death. Secondly, the Council of Ambassadors assembled at Paris threatened for a time to encroach upon the tasks entrusted to the League. The experience of a few years, however, sufficed to demonstrate the absurdity of two competing jurisdictions. Not only Ambassadors, but Foreign Ministers and Prime Ministers now undertake frequent pilgrimages to the shrine of Peace at Geneva.[2] Thirdly, the omission of Germany and other ex-enemy States from the League prevented it from assuming the character of a peace institution. It could not become an effective instrument of justice until all the belligerents were included in its membership. The accession of

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[1] " We cannot afford to rest and be thankful. There is very much to be done. We have got the barest outline of an international organisation, a sketch of an international parliament, an international executive, an international judiciary and an international civil service, but not more. We have scarcely even laid the foundations of an international police force. We are still slaves to the conception that each nation must arm itself against all the others."—Viscount Cecil, *The Way of Peace*, p. 8.

[2] " In 1921 and 1922 no Prime Minister or Foreign Secretary attended the meetings of the Council : in 1925 the proportion of these ministers to the total number of Council members was 32 per cent. : in 1926 this figure had risen to 39·6 per cent. and in 1927 to 50 per cent.—W. E. Rappard, " The Future of the League of Nations," *Problems of Peace, Third Series*, p. 13.

Germany to a seat on the Council marked the beginning of a new era in its development. The menacing possibility of a rival league supported by Germany and Russia was laid to rest. History had repeated itself. The quadruple alliance had once more expanded into a quintuple association.[1] But now it also embraced within its circle all those States which were ready to co-operate in the cause of peace: it was equipped with a written constitution, a working Secretariat and a Permanent Court. "The time of Areopagus" had at last arrived.

Thus the League, in spite of set-backs and disappointments, has weathered three storms which might well have cast it on the rocks.

IX

The Flaws in the Covenant—Aggression

THERE may be many defects in the Covenant, but broadly speaking they may be classified under three headings. Firstly, it fails to define the aggressor; secondly, it lacks military and naval sanctions; thirdly, it leaves the problem of disarmament unsolved.

It has been pointed out[2] that all these defects are inseparably linked together. For instance, the provision of sanctions will serve no purpose unless an agreement has been reached as to how to distinguish the aggressor from the non-aggressor, the offender from the defender. This agreement implies, firstly, a definition of the acts or facts of aggression and, secondly, the existence of machinery, judicial and arbitral, for applying this definition. The application of sanctions, therefore, is dependent upon the possibility of finding a formula which defines aggression. The problem of branding the aggressor is by no means a new one. In the past international lawyers and publicists have endeavoured to define just causes for a resort to war which, in effect, represent attempts to discover the identity of the aggressor. Thucydides gives us a partial definition when he says:

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[1] See chap. II, p. 97.

[2] See chap. I, p. 53.

" It is wicked to fall upon him as an enemy who is willing to refer his case to an arbitrator." [1] The Romans referred the decision of peace and war to the College of Fetials,[2] who were entrusted with the duty of investigating the facts before pronouncing the verdict which set in motion the legions of the Republic. Again, in the days when the kingdom of Spain exercised a profound influence in all parts of the world we find that before military action was undertaken the executive referred the question at issue to the jurists and canonists for their advice. Before resorting to punitive or other measures involving the use of force, they sought for a legal definition which would render their proposed act conformable with the law of nations. For example, before dealing with a revolt of the Zambales tribe, the Spanish administration in the Philippine Islands requested the representatives of the Augustinian Order to submit an opinion upon the matters in dispute for their guidance in dealing with the recalcitrant tribe. This opinion declared that " according to all the authorities, divines as well as canonists and jurists, three conditions are required in a war to make it a righteous one. . . . The first condition is that he who begins the war shall have authority; the second, just cause for making war; and, third, righteous intention." [3] It is, therefore, to be inferred that the Spanish authorities were not prepared to undertake police action unless they were fortified by the opinion of the jurists on the legality of their cause.

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[1] W. S. M. Knight, *Hugo Grotius*, p. 198.

[2] " The Romans had a special set of twenty priests, the so-called fetiales, for the management of functions regarding their relations with foreign nations. . . . The fetiales were employed when war was declared or peace was made. . . . There were four different just reasons for war, namely, (i) violation of the Roman dominions, (ii) violation of ambassadors, (iii) violation of treaties, (iv) support given during war to an opponent by a hitherto friendly State. But even in such cases war was only justified if satisfaction was not given by the foreign State."—L. Oppenheim, *International Law*, 4th edition, Vol. I, pp. 59–60.

[3] Opinion of the Augustinians in the war with the Zambales, 1592.—E. H. Blair and J. A. Robertson, *The Philippine Islands*, 1493–1898, Vol. VIII, p. 199.

Grotius' definition of aggression is discussed elsewhere.[1] He also reduces the "just cause" to three considerations: namely, defence, recovery of property, or punishment of wrong. Saint-Pierre is still more categorical.[2]

In the Draft Treaty of Mutual Assistance, a more modern attempt is made to define the aggressor.[3] The 1924 Protocol, as we have seen,[4] classifies aggression under six headings, which may be summarised as follows: (*a*) refusal to submit a dispute to a pacific settlement; (*b*) refusal to abide by an award of a judicial or arbitral tribunal; and (*c*) refusal to observe the terms of an armistice.

The most recent example of a definition of aggression is to be found in the Locarno Security Pact, which has been ratified by Germany, France, Great Britain, Italy and Belgium. As soon as the Council of the League of Nations is satisfied that a violation or breach of Article 2 of this Pact or of Articles 42 or 43 of the Treaty of Versailles has been committed, it will notify its findings to the signatory powers which will each come to the assistance of the power against whom the act complained of is directed. In the case of a flagrant violation of the above articles by one of the High Contracting Parties, each of the other Contracting Parties has undertaken immediately to come to the assistance of the party against which such violation is directed as soon as the said power is able to satisfy itself that the violation constitutes an unprovoked act of aggression and " that by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarised zone immediate action is necessary."[1]

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[1] See chap. IV, p. 162.

[2] See chap. II, p. 84.

[3] "A war shall not be considered as a war of aggression if waged by a State which is party to a dispute and has accepted the unanimous recommendation of the Council, the verdict of the Permanent Court of International Justice, or an arbitral award against a High Contracting Party which has not accepted it, provided, however, that the first State does not intend to violate the political independence or the territorial integrity of the High Contracting Party." "The Council of the League of Nations shall decide . . . which of the High Contracting Parties are the objects of aggression."—*Draft Treaty of Mutual Assistance*, Articles I and 4.

[4] Chap. II, p. 84, and Appendix L.

All these examples conclusively demonstrate, firstly, that the need for a definition of the aggressor becomes imperative, and that it cannot be delayed indefinitely; secondly, that except in cases of extreme urgency, the responsibility of branding the aggressor lies with the judiciary and not with the executive, thirdly, that when the judicial and arbitral machinery of the international authority embraces all classes of disputes, the definition of aggression will not be an insuperable task.[2] It will also be observed that considerable progress has already been made in this direction. It is true that in a joint memorandum submitted to the Temporary Mixed Commission, the following paragraph occurs: " It is clear, therefore, that no simple definition of aggression can be drawn up, and that no simple test of when an act of aggression has actually taken place can be devised. It is, therefore, clearly necessary to leave the Council complete discretion in the matter."[3] Nevertheless, the Commission, as we have seen, inserted in the Draft Treaty a negative definition which was further amplified and expanded by the framers of the 1924 Protocol.

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[1] Annex A. to the Locarno Final Protocol, October 16th, 1925, Article 4.

[2] " Difficult though it may be to determine the aggressor, it is not an impossibility. Aggression has a way of betraying itself. After all, a cannon shot is a cannon shot. You can hear it, and it often leaves its traces. The first to fire—it is surely fair to say that his act is not favourable to the cause of humanity, and if we can find the guilty party and bring him before the world tribunal and say: This blood, this havoc are his work—well, that is something after all. . . . And when the first shot is fired and the League arises and says, 'Cease fire'—well, if one of the adversaries refuses, we can surely say that he is not really very anxious about peace, and we can all see who he is."—M. Briand, September 20th, 1927, *Records of Eighth Assembly, Plenary Meetings*, p. 92.

[3] *Records of Fourth Assembly, Minutes of Third Committee*, p. 184.

The French Prime Minister, Monsieur Herriot, in recommending the Protocol to the Assembly said, " Henceforth the aggressor will be the party that refuses arbitration."[1] Nations which may have some ulterior object to serve, or which are bound in the shackles of ultra-sovereignty, will doubtless place every obstacle in the way of arriving at a formula. In the long run, however, they will be unable to escape the necessity of following in the footsteps of the framers of the Protocol. As Grotius pointed out, the law of nature prescribes this highway. It is beside the point to argue that this definition may serve as a " trap for the innocent and a signpost for the guilty."[2]

What is the analogy in municipal law? Many instances may be cited where individuals are subjected to obnoxious acts and injuries of various degrees on the part of their neighbours against whom they may be unable to obtain redress through the process of law, because these cases are not covered by legal enactments. It does not follow that aggrieved individuals may, therefore, take the law into their own hands and seek redress by inflicting physical injury upon their detractors or persecutors. Unless their opponents overstep the bounds of the law, they are compelled to wait for redress until the law has been readjusted. As an instance, there is the case of the individual workman who may be intimidated and threatened by a boycott on the part of his fellow employees or by petty acts of tyranny on the part of his employer, none of which come under the jurisdiction of the law. Should he retaliate by assaulting any of his colleagues or the manager, he is guilty of an act of aggression, and immediately becomes liable to arrest and imprisonment.

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[1] *Records of Fifth Assembly, Plenary Meetings*, p. 52.

[2] " I . . . remain opposed to this attempt to define the aggressor, because I believe that it will be a trap for the innocent and a signpost for the guilty."—Sir A. Chamberlain, November 24th, 1927, *Commons Debates*, 5th Series, Vol. 210, Col. 2105.

Let us take an example of another kind. We will suppose that a landowner has acquired a large estate. In the middle of this estate, however, is a small-holding owned by its occupier. The landowner has reared a considerable stock of game on his estate. The occupier-owner refuses either to accept compensation for the damage done by game, or to sell or rent the sporting amenities of his small farm. He never loses an opportunity of shooting all the game which strays on to his land, which has actually been reared and fed by the landowner and may, therefore, be described as his property. So long as the small-holder confines his shooting activities to his own land, he is acting within his rights and the law is on his side, however keenly the landowner may resent what he considers to be an injury. Moreover, it is unlikely that the law will be altered: consequently the sense of injury will remain. But the moment the small-holder embarks upon a poaching expedition, and crosses the boundary fence—the demilitarised zone—he may be brought before the Justices and convicted of an offence.

Similarly with States. A small State in South America may make itself obnoxious to the United States or any other Great Power. It may occupy an important geographical or strategic position, for example a strip of land separating two oceans, or it may levy an irksome and unfair toll upon produce proceeding along an international highway of commerce: it may impose Customs dues. But so long as it does not overstep the recognised boundary of international law, as administered by the courts of the authority, there is no reason why it should be coerced by a more powerful State.

If any nation has a grievance, it may seek redress before the courts just as an individual may seek an injunction against his neighbour. The courts of the international authority will decide the point at issue after hearing all parties to the dispute. How, therefore, can it be argued that this process assists the aggressor and prejudices the case of his opponent ?

Such an assertion is a denial of even the possibility of obtaining international justice. The truth is that the Great Powers are unwilling to forfeit the right of aggression, which at present they possess and exercise, by agreeing to a definition which henceforth would place them on a basis of equality with their weaker brethren.

X

Sanctions

THE sanctions contained in the Covenant are described in Article 16. They are twofold in character, namely (*a*) financial and economic, (*b*) military and naval. No definite plan has yet been adopted for the execution of the former. The Protocol endeavoured to prepare a plan in advance which would function automatically when the Council decided to put it into operation.[1] Such a scheme bristles with difficulties, and it is hard to conceive how it could be carried out effectively without the intervention of some armed force to maintain a blockade of the ports, harbours and other points of contact with the aggressor State. To prohibit all intercourse with the nationals of a recalcitrant State would be difficult, if not impossible, to enforce in practice, unless the international authority had at its disposal the means of bringing effective pressure to bear. Used against a small or weak power, the boycott may prove to be effective. The case of the Jugo-Slav–Albanian dispute, when the threat was made to put Article 16 into operation,[2] provides an illustration. In the case of more powerful States the boycott may also prove to be a deterrent, but it will never prevent a nation armed to the teeth, bent upon a war of revenge or the acquisition of new territories, from carrying out its intentions if it imagines itself strong enough to do so. We may rest assured that when matters reach the stage at which it becomes necessary for the League to declare a financial boycott or economic blockade against any Great Power, the day of a new catastrophe is at hand, and that this sanction, unless accompanied by complete disarmament, offers only a mild form of security against the ravages of war.

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[1] Protocol for the Pacific Settlement of International Disputes, 1924, Articles 12 and 13.

[2] See p. 342, note 1.

The military and naval sanctions included in the Covenant, if such they can be called, are vague and nebulous. As we have seen,[1] States-members of the League have not pledged themselves to use their forces against the aggressor. All they have done is to agree to ask the Council to recommend what military aid each State should contribute in the event of hostilities. Before any recommendation can be made the Council must be unanimous. If it is not unanimous each State-member does what it chooses; it may even assist the aggressor.[2] Even if the Council is unanimous each State is still free to accept or reject the recommendation.[3] No plans in advance have been prepared as to the method by which States-members may co-operate to enforce even a unanimous decision of the Council. Haphazardly, the question of co-operation and the degree of assistance is left undefined.[1] Consequently the deterrent effect of Article 16 is relatively slight.[2] No one knows to what extent the members of the League will be willing to exert themselves for the maintenance of international justice. They will be guided by the public opinion of the moment, which has no real test upon which to form its judgment. As President Wilson remarked, " Force is in the background." But the side upon which this force will be exerted is left an open question. The will to enforce peace has still to be expressed in a clear and definite obligation. When this principle has been embodied in the Covenant, it will then be possible to proceed to the further step of organising those forces scientifically on behalf of the League.

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[1] Chap. II, p. 85.

[2] See chap. II, p. 83.

[3] "As pointed out in the discussion on the Sixth Committee's Report to the First Assembly (*Records of First Assembly*, *Plenary Meetings*, pp. 399, 409, para. 2 (*c*) and *passim*) and reiterated in the Report of the Third Committee to the Second Assembly (*Records of Second Assembly*, *Plenary Meetings*, p. 798—discussion, pp. 757 and 739) it is for each member to determine whether it will on the occasion afforded by the act of war declare war . . . literally, to decide for itself whether a member has gone to war in disregard of its covenants, i.e. whether the act of war has been committed; *a fortiori* whether it shall put itself into a state of war with the said member."—P. E. Corbett in *The British Year Book of International Law*, 1924, p. 125.

"The blockade can only be started by a resolution of the Council which must of course be unanimous. Moreover, this resolution, even though unanimous, has no compulsive force on any nation: it is to be treated only as a 'weighty recommendation'."—Professor Gilbert Murray, *The Nation*, March 8th, 1930.

XI

Disarmament

THE Covenant recognises the vital importance of disarmament. It is specifically dealt with in Article 8, which entrusts the League with this difficult task. But this article does not lay down any principle or formula upon which the scheme is to be based. The framers of the Covenant do not appear to have made up their minds upon the right use of force. States-

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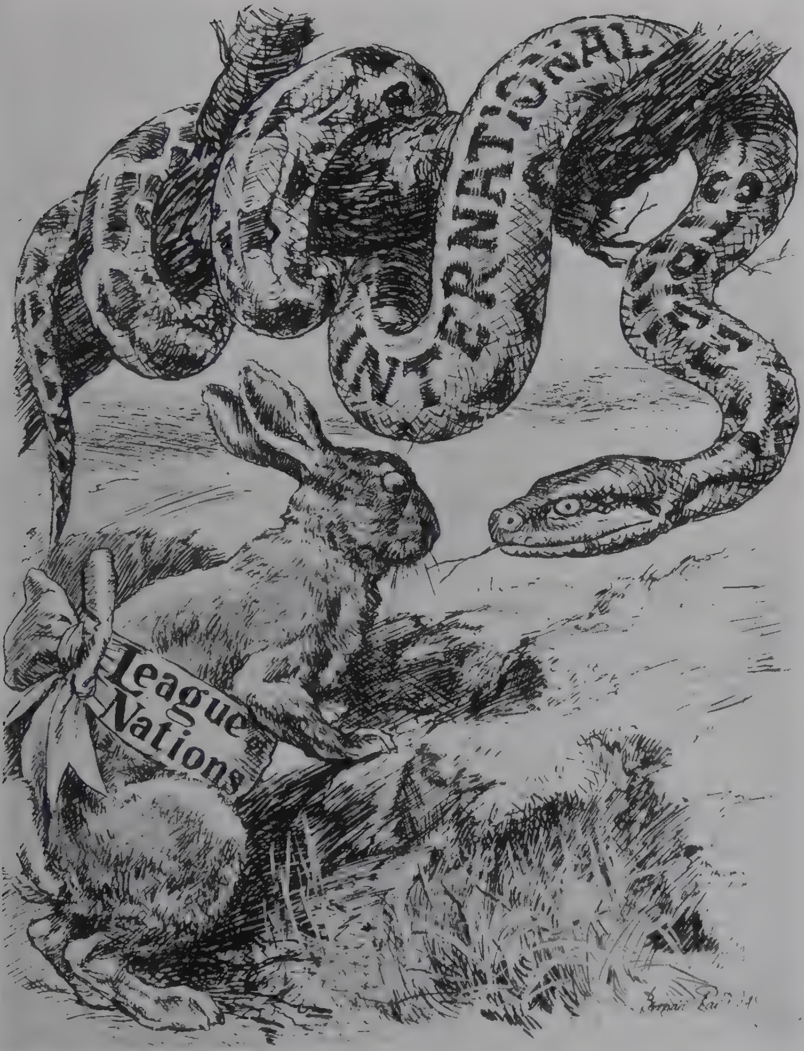
[1] The fact that Germany had been disarmed and, consequently, could not effectively assist in the military sanctions of Article 16 was recognised in a collective note of the other Powers which were parties to the Locarno Final Protocol. " The obligations resulting from the said article on the members of the League must be understood to mean that each State-member of the League is bound to co-operate loyally and effectively in support of the Covenant and in resistance to any act of aggression to an extent which is compatible with its military situation and takes its geographical position into account."—Annex F. to the Locarno Final Protocol of October 16th, 1925. "In no case," said Dr. Luther in the Reichstag, " could any member of the League have the right to force us against our will to take measures of sanctions in any form, for example, to allow the transit of troops."—*Survey of International Affairs*, 1925, Vol. II, p. 51.

[2] " The real weakness of Article 16 is not that it is too drastic; it is that it requires a most improbable standard of self-sacrifice in fourteen unanimous governments before it can be put into action."—Prof. Gilbert Murray in *The Nation*, March 8th, 1930.


INTERNATIONAL
League
Nations

MORAL SUASION

The Rabbit: "My offensive equipment being practically nil, it remains for me to fascinate him with the power of my eye."

[*Punch:* July 28th, 1920.

(*Reproduced by permission.*)

members must still rely upon their national forces as a means of self-defence against aggression. They recognise the need of reducing armaments "to the lowest point consistent with national safety." At the same time they require that armaments should be sufficient to enable "the enforcement by common action of international obligations." Here is a confused statement embodying two conflicting conceptions, and no attempt is made to reconcile them.[1] "The major force of mankind," in the shape of an international police force—the only possible method of reconciliation—is left out of the picture. It does not even appear "in the background." In Part V of the Treaty Germany is disarmed root and branch, but the Covenant contains no corresponding provision which is to be applied to the members of the League of Peace. How inconsistent!

The Draft Treaty of Mutual Assistance, like its successor, the Protocol, lays down the broad principle that security and disarmament are inseparably linked together. When arbitration, accompanied by sanctions, is provided a sense of security is substituted for the sense of fear which drives the nations into the vicious circle of competing armaments.[2] When fear has been removed, disarmament naturally follows, just as the ripe fruit drops from the tree. In the Draft Treaty of Mutual Assistance the provisions are briefly as follows: "The High Contracting Parties undertake to inform the Council of the League of the reduction of armaments which they consider proportionate to the security given them by the Treaty. They undertake to co-operate in the preparation of any general plan of reduction of armaments which the Council of the League may propose. This plan when approved by the Governments will be the basis of the reduction. The High Contracting

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[1] See, further, chap. VI, p. 227.

[2] "Preparations for war had produced fear and fear predisposes to violence and catastrophe."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 271.

Parties undertake to carry out this reduction within two years from the date of the adoption of the plan, and not to increase their armaments, when reduced, without the consent of the Council. They also undertake to supply such information with regard to armaments as the Council may request. The armaments determined for each of them shall be subject to revision every five years.[1]

In the Protocol the provision of security becomes contingent upon the adoption of an all-round scheme of disarmament. Those nations which refuse to disarm are to be deprived of this benefit. Articles 17 and 21 provide for the summoning of a Disarmament Conference which is to be charged with the duty of drafting a "plan." "If within such period after the adoption of the plan for the reduction of armaments as shall be fixed by the said conference, the plan has not been carried out, the Council shall make a declaration to that effect; this declaration shall render the present Protocol null and void. . . . A signatory State which after the expiration of the period fixed by the Conference fails to comply with the plan adopted by the Conference shall not be admitted to benefit by the provisions of the present Protocol."[2]

It will be seen that if the Protocol had been ratified, considerable progress might have been made on the road to disarmament.

The signatories to the Treaty of Locarno also pay homage at the shrine of disarmament, and the view is expressed that "it will hasten on effectively the disarmament provided for in Article 8 of the Covenant."[3] Subsequent events, however, do not appear to have endorsed this optimistic pronouncement.

The truth is that disarmament is at a standstill, and that it will never become operative so long as it is divorced from security and sanctions.

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[1] Articles 11, 12, and 13.

[2] See Appendix L.

[3] Locarno Final Protocol, October 16th, 1925.

XII

Post-War Conferences

OTHER spasmodic attempts have been made to grapple with this question. Amongst these the most important is the Washington Conference of 1921. Here assembled the representatives of the five naval Powers. Their main objectives were five in number. Firstly, to limit the size and strength of the national fleets. In this they were partially successful. The size, armament, and number of battleships and aircraft carriers to be allotted to each of the signatory Powers were definitely fixed. In future no battleship was to be constructed whose displacement exceeded 35,000 tons, whilst its armament was restricted to 16-inch guns. Aircraft carriers were limited to 27,000 tons, with 8-inch guns. The ratio of the tonnage of these vessels was also agreed upon as follows: America 5, Great Britain 5, Japan 3, France 1·66, Italy 1·66. It was also agreed that there should be no replacements in those categories for ten years. France and Italy, however, were each permitted to lay down vessels in 1927 and 1929. Existing battleships and aircraft carriers in excess of the allocated tonnage were to be dismantled and destroyed. This provision involved the elimination of about 1,500,000 tons of war vessels from the three fleets.[1] No agreement was reached upon the other types of war vessels—cruisers, destroyers, submarines, etc.—except that no vessel was to be constructed in excess of 10,000 tons. There were probably two considerations which contributed to the limitation imposed upon the battleship. First, its costliness: a modern dreadnought cannot be built for less than about seven million pounds.[2]

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[1] Cf. Statement of Mr. Hughes on behalf of the Committee on the Limitation of Armament, February 1st, 1922: *Report of the Canadian Delegate to the Washington Conference*, 1921–1922, pp. 81–82.

[2] H.M.S. *Rodney* and H.M.S. *Nelson*, which were completed in 1927, each cost about £7,000,000.—*Brassey's Naval Annual*, 1929, p. 297.

"The total sum appropriated for naval expenditures in the 1921–1922 Budgets of the five powers which met in the Washington Conference came to the tremendous figure of $1,300,000,000 (or about £260,000,000), a sum twice as large as the endowment of all the universities, colleges and professional schools in the United States, and three times as great as the cost of the Panama Canal."[1] Obviously no nation in the throes of the post-war financial stringency could afford these expensive luxuries. Secondly, the battleship had become vulnerable.[2] She might be sunk in a few seconds by a mine or a torpedo; she might even be annihilated by an aeroplane. She had outgrown her dock accommodation. She could not be risked on the high seas without an escort of destroyers. The day of the battleship was over, and consequently the naval experts were willing, under pressure, to acquiesce in the sentence pronounced upon her at Washington.

The naval agreement produced four results. (*a*) It diminished the existing capital ship strength of the three great naval Powers by 40 per cent.[3] (*b*) It stabilised the *status quo* in battleships and aircraft carriers. So obsessed were the statesmen with this idea that "Japan forced the British people to expend some $80,000,000 in the construction of two additional ships, all in the interest of disarmament!"[4] It is also paradoxical that France was allowed not only to retain but even to increase her existing tonnage of dreadnoughts to a total of 175,000 tons.[5] (*c*) It started a new competition in cruisers, and other subsidiary craft, incidentally tending to translate a maximum into a minimum in ship construction.[1] (*d*) It relegated to the scrap heap many valuable and costly ships which might have been utilised for the policing of the world, and would thus have obviated the necessity for further replacements in the future. It represented a purely negative policy leading up to no constructive proposals. Roosevelt would have repudiated it as utterly unworthy of the five great nations engaged in these proceedings.

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[1] Buell, *The Washington Conference*, p. 145.

[2] "Admiral Sims has been credited with the remark that 'battleships are not worth the powder to blow them to hell; the future of the battleship is that it is just going to fade out of existence'."—Buell, *The Washington Conference*, p. 235.

[3] *Id.*, p. 212.

[4] *Id.*, p. 161.

[5] *Survey of International Affairs*, 1920–1923, p. 495.

Secondly, the Conference sought to bring about the abolition of submarines. This attempt ended in failure. France resolutely declined to consider this proposal, maintaining the thesis that the submarine was a purely defensive weapon, and demanding a submarine quota of 90,000 tons.[2]

Thirdly, no agreement was reached to limit and reduce the air force of the Great Powers. The committee of experts appointed to deal with this matter adopted two resolutions, the first of which declared that "the committee is of the opinion that it is not at present practicable to impose any effective limitations upon the number or characteristics of aircraft, either commercial or military."[3] "Thus all efforts at limiting competition in what may prove to be the most effective and deadly instrument of war ever invented totally failed."[4]

Fourthly the use of poison gas as an instrument of warfare was abolished. The discussion of this subject resulted in the signing of a Convention prohibiting the future use of poison gas.[5] This pious resolution, already enshrined in the Treaty of Versailles[6] and afterwards incorporated in the Geneva Convention of 1925, has never been ratified and consequently has been entirely disregarded by the War Offices of the signatory powers. Chemical researchers in every country still pursue their investigations in the hope of discovering a new and more deadly gas. Training in the use of offensive appliances still goes on unchecked. The " major force " has not yet been mobilised behind an international authority which can make the writ run. This Gas Convention, like so many similar documents of the past, remains a dead letter, a sop to the pacifists, another " trap for the innocent, and signpost for the guilty."

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[1] "Since 1921 it (the race in certain categories of ships) has begun again in other categories, and threatens to assume proportions hardly less dangerous than the race in battleships itself."—Baker, *Disarmament*, p. 22.

[2] *Report of the Canadian Delegate*, p. 22.

[3] Adopted by the Committee on the Limitation of Armament, January 9th, 1922; Cmd. 1627 of 1922, p. 37.

[4] Buell, *The Washington Conference*, p. 210.

[5] Treaty to Prevent the Use in War of Noxious Gases and Chemicals, Cmd. 1627 of 1922; p. 19.

[6] Article 171.

Fifthly, the Conference endeavoured to delimit defensive zones in the Pacific, and to prevent any new fortifications from being erected within these zones. An agreement was reached defining these zones, and prohibiting any new fortifications in the Pacific islands within that area. This provision, however, did not prevent the British Government from subsequently proceeding with the new naval base at Singapore, involving the expenditure of at least ten million pounds. The American and Japanese Governments also proceeded to fortify the Hawaiian Islands and the coasts and straits of Korea respectively.[1] These naval bases, although technically outside the zones, nevertheless indicate that the competition in the Pacific, which the Conference intended to allay, is still being pursued. The value of this agreement in the eyes of the British, American and Japanese Admiralties must be judged by the actions of their respective cabinets rather than by the speeches delivered at Washington.

In brief, such were the results of the most successful disarmament conference ever held, which at the time was heralded as a piece of constructive statesmanship. The truth is that the Washington Conference suppressed the superfluous. Apart from the political agreements relating to China, the disarmament settlement could hardly be described as other than disappointing. Reductions were effected only in two categories of warships. The treaty tended to stabilise the *status quo*. It represented a curtailment of programmes rather than of fleets. It delayed replacements. In other respects the attempts at limitation ended in failure. America, whose potential resources in men, money and materials would have enabled her easily to outstrip her rivals in the naval race, agreed to a ratio based on existing strengths. She nobly acquiesced in the scrapping of over 500,000 tons of new ships, either completed or in course of construction.[1] But by doing so she gave Japan a free hand in the Western Pacific ; she renounced the right of intervention in that quarter of the globe without any guarantee of the future good behaviour of the Far Eastern States.[2] Like most other disarmament conferences, its agenda included those hardy annuals, resolutions for the prevention of the traffic in arms and the framing of new rules for warfare. In the absence of any international authority capable of enforcing the restriction of the traffic in arms, the Balfour Resolution relating to this traffic in China was withdrawn.[1] The international jurists, however, succeeded in drafting new rules for the conduct of future hostilities. Why it is that conferences ostensibly designed for the elimination of war proceed to legislate for the conduct of the next outbreak passes the comprehension of the ordinary person. They do this in the certain knowledge that when the next war comes these rules will be ignored whenever one of the belligerents reaches the conclusion that it is no longer in his interest to observe them.

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[1] Pierre Brunot, "La Limitation Générale des Armaments," in *L'Illustration*, April 20th, 1929.

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[1] Mr. Hughes, on behalf of the Committee on Naval Armament: Fifth Plenary Session, February 1st, 1922 : *Report of the Canadian Delegate*, p. 81.

[2] " For any attack on Japan as matters now stand the enemy must be in possession of a fleet about three times as powerful as that of the defence, because no other country has a fully equipped modern naval base and arsenal in the Eastern Pacific capable of docking two or three of the largest battleships simultaneously; or of removing guns 100 tons in weight; or of manufacturing wholesale supplies of heavy-calibre ammunition ; or, lastly, of storing the millions of tons of oil fuel required by a twentieth century fleet in war. Without such a base in easy reach a large proportion of the attacking fleet, probably a third, must constantly be at some distance from the theatre of operations ; while the force actually on the spot must always be twice as strong as the defence if any effective watch or blockade is to be possible. No power exists at present in a position to undertake such a task."—Ballard, *Influence of the Sea on the Political History of Japan*, pp. 291–292. This passage was written before the standardisation of navies at the Washington Conference, but the ratio of 3 to 5 given to Japan permanently makes her position in the Western Pacific supreme. Cf. Buell, *The Washington Conference*, pp. 164, 186, 200.

XIII

Other Conferences

STILL less productive of any achievement was the Three-Power Naval Conference summoned at Geneva in 1927. On this occasion the experts were given a free hand, the politicians being content to remain in the background. Consequently no agreement was reached when these abortive proceedings came to an end. Subsequently it also appeared that sinister influences were at work with the object of wrecking the proposals before the Conference.[2]

Nor can it be said that the interminable discussions which have proceeded at Geneva during the past ten years have been fruitful of any material results. The

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[1] Buell, *The Washington Conference*, p. 270.

[2] In an enquiry by a Sub-Committee of the U.S. Naval Affairs Committee in the autumn of 1929 revelations were made regarding the activities of Mr. W. B. Shearer, a former " lobbyist," of the Cruiser Bill, who had been paid £5,000 by the New York, the Newport News and the Bethlehem Shipbuilding Companies to attend the Geneva Conference, nominally " to report on the proceedings of the Conference." It was, however, admitted that he had circulated propagandist literature and attempted to influence the Press. Mr. Drew Pearson of the *Washington Star* gave evidence that Shearer had described his purpose at Geneva as being " that the Conference would not succeed." " The atmosphere," declared Mr. Pearson, " among the naval experts and Shearer was against the success of the Conference. The cards were stacked against the Conference reaching an agreement from the very time it started." Accusations were also made against the American naval experts. The enquiry, after being suspended for three months, was abandoned in January 1930.

Temporary Mixed Commission, the Permanent Advisory Committee and the Preparatory Commission for the Disarmament Conference have from time to time reported the results of their deliberations to the Assembly, but up till now no practical scheme has been evolved for the reduction of existing armaments. The results of these proceedings can best be described in the words of M. Brouckère, Rapporteur to the Assembly: "I am here before you, I will not say with empty hands, but at any rate bearing only a few poor ears of wheat."[1]

Aggression, sanctions and disarmament; these are the three omissions from the Covenant. Approached from the negative standpoint, each of these problems is incapable of solution. Regarded, however, in a positive sense, each can play its part in establishing the commonwealth of nations upon an unassailable foundation which will defy the attacks of its enemies and the ravages of time.

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[1] *Report of Third Committee: Records of Eighth Assembly, Plenary Meetings*, p. 158.

CHAPTER IV

THE EVOLUTION OF SANCTIONS

> "For as amongst masterless men there is perpetual war . . . so in states they live in a condition of perpetual war, and upon the confines of battle with their frontiers armed, and cannons planted against their neighbours round about."—THOMAS HOBBES.

I

Development of Municipal Law

THE protagonists of arbitration and disarmament are often told that their policies are impracticable because they are in direct conflict with human nature and with the biological laws which govern the universe. This chapter endeavours to show that this theory is untrue and has no foundation in fact.

The reign of law and the application of sanctions for its enforcement have been gradually evolved in every civilised community. The legal institutions and codes described as "Municipal" or "National," governing the relationships of individual citizens, have step by step been built up on certain well-defined principles. They represent the accumulated knowledge and experience of centuries. They are derived from various sources, and owe their stability to the consent of the individuals composing each community.

Moreover, these systems of municipal law are regarded as incomplete and ineffective unless they are equipped with sanctions; unless behind the law there exists a coercive power sufficiently strong to compel obedience whenever the necessity arises. It is in this particular respect that they differ so vitally from those rules of conduct, designed to regulate the relationships of States, known as international law.[1]

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[1] See p. 4, note 1.

We have already seen [1] that the provision of sanctions [2] formed an integral part of the Greek and Roman codes. Whether the punishments for wrongdoing were ascribed to divine or human agencies is immaterial. The important point is that they were effective, and were acquiesced in by the vast majority of the citizens of those communities.

With the fall of Rome there follows a recrudescence of barbarism and anarchy, a condition of perpetual war. The mentality produced by these conditions is reflected in the general state of lawlessness prevailing in all the countries of Europe. The Roman sanctions had disappeared. There was nothing left to take their place except the fiat of the Pope or the fiction of the Emperor. These were poor substitutes. The writ cannot run when there is no policeman to execute it. Municipal law sank into a desperate plight, but slowly, step by step, it emerged out of the chaos. Laboriously and painfully it has consolidated its position.

First of all in the family, then in the tribe, in the feudal state, in the kingdom, we trace the development of the idea of law and the growth of an executive authority. Gradually, as men's minds became attuned to new conditions, as they groped their way towards the beacon light of justice, they recognised more and more the importance of endowing the executive with sanctions. But it was a slow process. The institution of national courts of justice, the codification of law, in most cases preceded the creation of any instrument for its enforcement. For centuries the duties of preventing and punishing crime were obligations undertaken by the whole community. In the earliest stage of human relationship a resort to force was, in default of voluntary agreement, the only means of settling a dispute between two individuals. To seek redress by his own hand was the one remedy of a person who considered himself aggrieved by the action of another. Later, the practice of submitting the points at issue to an arbitrator acceptable to both parties was introduced, and in course of time, as the advantages of this procedure became generally recognised, the arbitrator was replaced by a permanent court. The procedure and decisions of the courts evolved, out of the standards of conduct approved by the general sense of the community, a customary law which was subsequently codified and which provided definite penalties for the more common offences. At this stage, however, the courts did not necessarily possess any executive force wherewith to enforce their decisions, and the ultimate sanction was the process of outlawry by which the criminal was deprived of the protection of the legal system and denied the benefits of intercourse with the other members of the community. The only executive power lay in the community itself. This concerted action on the part of the community as a whole for the apprehension of the evildoer played an important part even in more advanced social systems possessing a central authority, but whose executive was as yet undeveloped. An instance is to be found in the "hue and cry" by which, in England, the whole countryside was raised against the malefactor. The obligation of every member of the community to co-operate in the arrest of the offender and the recognition of the fact that a crime against an individual was a crime against the community were essential ingredients of all legal systems of this nature.

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[1] See chap. II, p. 60 *et seq.*

[2] It may not be out of place to consider the origin of the word "sanction." In Roman Law the "sanction" was that portion of the law which determined the penalty for its infringement. The Digest, following Papinian, defined it as that which "imposes specified punishments on those who have not complied with the precepts of the law."—D. 48, 19, 41. *Sanctio legum quae novissime certam poenam irrogat iis qui praeceptis legis non obtemperaverint.* Similarly Sir William Blackstone in 1765 wrote of "the sanctions or vindicatory branch of the law, whereby it is signified what evil or penalty shall be incurred by such as commit any public wrongs, and transgress or neglect their duty."—*Commentaries* (1765 edition), Vol. I, p. 54.

"Outlawry," "hue and cry,"—these appear still to be the sanctions invoked on behalf of the society of nations in the twentieth century. In the sphere of international relationships we have actually reached the stage corresponding to the domestic conditions in which, according to Hobbes, our ancestors lived their "solitary, poor, nasty, brutish and short" lives.[1] No wonder that Hobbes sought a more solid basis of authority, and that Grotius declaimed against injustice.

II

Feudalism

FEUDALISM died a lingering death. The barons, jealous of their rights, clung tenaciously to their sovereignties, but the *Curia Regis*, the justices in eyre and the assize steadily gained in influence. The process of delegating the powers inherent in the community for the administration and execution of the law to a recognised authority made headway. The executive governments acquired strength and prestige at the expense of the disruptive elements in each State. Sanctions, in a rudimentary form, gradually emerged, more definite, more precise and more effective with each succeeding century.

It was not only because the royal chancery and the royal judges were efficient and impartial that this transformation was achieved, although the importance of these elements cannot be over-estimated. It was because the system of common law afforded to a litigant advantages which no other system could offer that the victory was won. One of these was that the king's sheriff summoned the defendant, an easier and more effective as well as a less dangerous process than a private attempt to compel his appearance. Another advantage which the royal courts offered was trial by jury, a more reasonable and safer method than the ordeal or trial by battle. More important than all, however, was the fact that when judgment had been given it was executed by the king's sheriff. Beyond the judgment of the king's court lay the boundless power of enforcing it, which caused the court to be resorted to by all litigants. It was owing to these advantages that the royal justice became the Common Law—territorial, supreme and universal.[1]

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[1] Hobbes, *Leviathan*, chap. XIII.

The history of Holland provides another illustration of the evolution of law and sanctions. Vollenhoven describes it as follows: "When the central power in Holland was not yet strong enough to compel obedience to itself throughout the country, knight and burgess had no choice but to fortify their dwellings; and the price, paid to ensure security from violence and tumult, was not, as it is now, represented by the expense entailed by the upkeep of an efficient body of police, but each of these numerous castles and walled towns had to spend vast sums on defences. To this must be added this fatal consequence, that whenever the prince considered it necessary to interfere in person, he might find ranged against him, not only villagers and burghers, but States within the State; the counts of Holland had again and again to lay siege to the castles of their own vassals, or to wage war on them; all through the middle ages Utrecht and Guelders had trouble with the unconquerable town of Amersfoort, that 'camp of fierce bulls.' As, however, the power of these nobles and cities is gradually superseded by a strong central government, capable of enforcing order and justice with its own troops, we see the gradual disappearance of these fortified towns and castles, the extinction of these local armies, and we watch the gradual development of the present state of things, when nothing is required but the police, some mounted constabulary and the occasional display of military force, open defiance of the law being of rare occurrence and confined to eccentrics and desperadoes.

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[1] See, generally, as to the development of the royal jurisdiction, W. S. Holdsworth, *History of English Law*, Vol. I, pp. 47–54 and 144–350; and E. Jenks, *Short History of English Law*, pp. 39–55 and 71–75.

"It is no different with States. As long as there is no authority superior to them, set up by themselves to enforce international peace and justice, each one has to ensure its own, though this may prove beyond the financial capacity of both large and small nations, and although for the small nations such security is unattainable."[1]

Broadly speaking, the reign of law has been evolved on more or less similar lines in every civilised State. In all of them national law is enforced by the executive government. Behind the decisions of the courts there is an authority which the individual citizen cannot help but regard as overwhelming. This is an essential feature of the legal systems which States enforce.

III

Human Nature and Sanctions

CIVILISATION, as it exists to-day, has been laboriously constructed upon the formulation and codification of law by legislatures and the judiciary; the institution of courts of justice to define, interpret and administer the law; and the provision of sanctions to enforce the law. Human nature has adapted itself to all these various changes and developments. It is true that it has taken many centuries to do so, but, nevertheless, it has slowly but surely acquiesced in this evolution from a state of barbarism. How, therefore, can it be argued that human nature is violently opposed to the same principles when they are applied to international relationships? It cannot be gainsaid that nations are composed in the aggregate of those same individual persons who have seen fit, after centuries of experience, to mould their institutions—legislative, judicial and executive—in accordance with the dictates of justice and the reign of law.[2] Divesting themselves of the weapons which in past generations they were accustomed to carry for the purpose of defending themselves, they merged their individual security in a common force, placed at the disposal of their respective governments to maintain order and to execute the decrees of their judicial tribunals. Since it has been possible in civil communities to curtail, if not to abolish, the evils which arise under conditions where passion in unsubdued, where license is unbridled, surely it is wrong to assume that similar methods may not be applied to the community of States.

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[1] C. van Vollenhoven, *War Obviated*, pp. 4–5.

[2] "The first and fundamental law of Nature: which is, to seek Peace and follow it."—Hobbes, *Leviathan*, chap. XIV.

Regarded from this point of view, the creation of an international police force is not a new or startling proposal. It conforms with the natural course of human development. It is obviously the next step in the evolution of the international system. It is the road mapped out by human experience towards the haven of security, and the only safe path to the Elysian fields of disarmament and peace.

IV

Grotius

THIS analogy between municipal and international law has been denied by certain exponents of the more modern school of international lawyers. To the ordinary man, however, who may not be versed in legal subtleties, the comparison appears to be a common-sense and practical approach to this vital problem of international politics. We may be fortified in this opinion by the knowledge that Hugo Grotius, one of the earliest and probably the greatest of the authorities on international law, when compiling his monumental treatise, *De Jure Belli et Pacis*, drew his inspiration, no less than his illustrations, from the principles and codes of municipal law. No fewer than twenty chapters of his book are devoted to a discussion of this subject. " They constitute a body of municipal law, private and public—the rights and obligations of persons—and have nothing to do with international law as we understand it."[1] Why did Grotius, in a treatise ostensibly dealing with the law of States, expound his views at such length regarding laws exclusively concerned with the relationships and well-being of individual persons? It is because "Grotius conceives of war, and even pacific international strife, as but a form of action at law or other jural contention. 'There are as many causes of war,' he writes, 'as there are of actions at law.' War, in its least juridical sense, is nothing else than the procedure available when the judgments of tribunals cease to have force or are without jurisdiction."[2] "It is necessary to discuss and consider those personal legal relations which give rise to actions and, boldly substituting political communities for persons, apply municipal, public and private law to the former. The right of action 'ought to be adapted to public war, regard being had, of course, to the different conditions.' And, as in the case of private or personal wrongdoing, the wrongdoing nation should first offer to submit to independent arbitration, and only if this offer should fail can the warfare be righteous."[3]

It will be seen that Grotius firmly believed in the analogy between municipal and international law. It was constantly in his mind. To him, the Law of Nature found its expression in the contracts of individuals with each other; why, then, should it not equally be applied to the contracts between States?[4]

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[1] W. S. M. Knight, *Hugo Grotius*, p. 195.

[2] *Id.*, p. 196.

[3] *Id.*, p. 197.

[4] "According to Grotius, every political society is based upon contract between its members . . . by which the members of that society emerge from the state of Nature wherein they had wandered about in the world as individuals. These members, also, move amongst themselves within their society by contract. So can and should move all the political societies within the great human society; for the plan of the world includes societies or States, as well as individuals or citizens, with all the relative inequalities of the latter, and contract involves the idea of the right, of justice, and always of obligation and good faith. Wherever, therefore, in international affairs there is an absence of contract, or, there being contract, justice is wanting and bad faith prevails, anarchy or war alone will exist."—*Id.*, pp. 220–221.

Grotius had little or no idea of the natural law of States. "Thus the necessity for his inclusion of private law—an analysis of which would yield up the secret of Natural Law—in a work whose main object was an exposition of the Law of States."[1]

Like his contemporary, Thomas Hobbes, Grotius believed that "every political society is based upon contract between its members."[2] Both advocated conciliation and arbitration—the peaceful settlement of international disputes. But, if these two methods fail, the ultimate sanction, if such it can be called, is war.

According to Grotius, war is only to be undertaken in a just cause. He endeavours to define what he considers to be a "just cause." "'A just cause of war,' he quotes from Sylvester, 'can only be an injury.' At the most, there are only three main classes of this one cause of action—every cause comes under the head of either defence, recovery of property, or punishment of wrong. So there are only three classes of just causes of war, and these are the same as the classes of just causes of action"[3] in municipal law. Here is one of the earliest attempts to deal with the baffling problem of the definition of aggression, which still remains unsolved.[4]

It is at this point that his analogy breaks down. Attempts must be made to reach a settlement by conciliation or arbitration. When these have failed war must only be undertaken as a last resort and in defence of a "just cause." The "just cause" is defined; the aggressor is branded. What is the next step to be? Does the sheriff with his *posse comitatus* arrive on the scene? Here is a conspiracy to thwart the ends of justice. Does Grotius exhort all the neighbouring States to rush to the aid of the victim? No; he is silent. Does he invoke the assistance of all rulers and princes against the aggressor "with all their faculties, with feet, hands and voice?"[5] No; he has nothing to suggest but a resort to war. In this department his municipal storehouse has failed to provide the remedy. The analogy stops short; it is not carried to its logical conclusion. It is curious that Grotius should not have realised the incompleteness of his argument, as he devoted considerable space to the treatment of sanctions in the chapters devoted to municipal law.

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[1] W. S. M. Knight, *Hugo Grotius*, p. 199.
[2] *Id.*, p. 220.
[3] *Id.*, pp. 196–197.
[4] See chap. III, p. 136.
[5] See chap. II, p. 61.

V

Hobbes

HOBBES also laboured under no illusion as to the necessity for "punishments" in his society of depraved individuals. Municipal law must be strictly enforced; otherwise, contracts will not be observed. "We must, therefore," he says, "provide for our security, not by compacts, but by punishments."[1] States also, in his opinion, may be coerced if there is a strong enough power to do so.[2] "He held that international law was only a part of the Law of Nature, and that this Law of Nature laid certain obligations upon nations and their kings. Mediation must be employed between disputants as much as possible, the person of the mediators of peace being held inviolate; an umpire ought to be chosen to decide a controversy, to whose judgment the parties in dispute agree to submit themselves, such an arbiter must be impartial. These are all what Hobbes calls the precepts of the law of nature. . . . But peace is like the straight path of Christian endeavour, difficult to find and difficult to keep. . . . Reason requires 'that every man ought to endeavour peace, as far as he has hope of obtaining it, and when he cannot obtain it that he may seek and use all helps and advantages of war.'"[3]. But, like Grotius, in the last resort he cannot conceive of an alternative to war.

[1] *On Dominion*, chap. VI, p. 4.

[2] "They too might be driven with a strong enough coercive force behind them, but not without it; and such a coercive force as this did not exist in a society of nations."—M. Campbell Smith, Introduction to Immanuel Kant's *Perpetual Peace*, p. 44.

[3] *Id.*, pp. 45–46, quoting *Leviathan*, chap XIV.

We may well ask why it was that these two profound thinkers, who both believed in applying the maxims of the law of nature, as exemplified in the working of municipal systems, to the *jus inter gentes*, should have pulled abruptly in the course of their argument when confronted by the question of sanctions. Instead of proceeding along the broad highway which hitherto they had consistently travelled, they must needs turn aside and direct their footsteps along the slippery and tortuous by-path of war. Both championed the cause of justice, both advocated the law of contract, both, like their successor, Kant, were imbued with the doctrine of free and voluntary assent—their systems were based on this fundamental principle—both realised the shortcomings and depravity of human nature; and yet, whilst they were prepared to hold individuals "in awe," they resolutely refused to contemplate the operation of the co-operative principle in the enforcement of international obligations.

In endeavouring to discover an explanation, it is necessary to visualise the political conditions in which they lived.[1] The seventeenth century was a period of civil war and disturbance. England was distracted with civil strife; Germany, in the throes of religious convulsions, had been almost ruined by the Thirty Years' War; the Empire of Spain already showed signs of disintegration; whilst all over Europe a spirit of utter lawlessness prevailed. It is not surprising, therefore, that Hobbes was more concerned to establish law and order in each State than to pursue the quest for international sanctions. In itself, the former was a sufficiently formidable undertaking. Neither he nor Grotius could have been impressed with the efficiency of municipal sanctions, in so far as these could be said to exist at all. It was natural that when the security and lives of citizens were safeguarded only by a rudimentary organisation of police, when the administration of justice was still in its adolescent stage, when social anarchy was the rule rather than the exception, the problem of international sanctions should appear remote and insoluble. The immediate task was to discover effective means of quelling internal strife, of disarming the disruptive elements in the State, and providing sanctions for the municipal courts of justice. It is, therefore, not surprising to find that under these conditions neither Hobbes nor Grotius could suggest any international police organisation as the alternative to war.

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[1] "Hobbes is a thinker of singular clearness and precision. He is cogent in argument and adheres to his main propositions with a consistency greater than Bodin had shown. He sometimes seems more disputatious than philosophical. But the reader who would judge him fairly must bear in mind that he is writing with a view to the circumstances of his own time, delivering his blows now at the Solemn League and Covenant, now at the Levellers, now at the Parliamentary Legalists."—Viscount Bryce, *Studies in History and Jurisprudence*, Vol. II, pp. 535-536.

It must also be remembered that at the time when *De Jure* and *Leviathan* were written Sully's *Grand Design*—the first European proposal for the creation of an international force—had not been published.[1]

There is still a further consideration. The federal idea—the logical development of the theory of contract applied to States—had not yet made its appearance on the European stage. It was reserved for Rousseau, Kant and the framers of the American Constitution to restate this conception, and to apply it to the conditions of their day. To Hobbes and Grotius the modern spectacle of a federated Switzerland would have seemed just as unintelligible as it still appears to be to the rulers and peoples of South-Eastern Europe. Had the former grasped the true significance of this principle, it is conceivable that their analogy between municipal and international law would have included the vital question of sanctions.

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[1] It was only in 1745, in the edition of the Abbé de L'Ecluse des Loges, that the *Grand Design* appeared as a whole. Before that, references to it had been scattered throughout the *Oeconomies Royales* (see p. 72, note 3). The *De Jure* was written in 1622–1625, before even the first appearance of the *Oeconomies*, and the *Leviathan* between 1640 and 1651.

VI

Modern Police Forces

SINCE the days of Hobbes and Grotius the development of municipal sanctions has made great strides. In most countries they have been scientifically organised, but the existence of a modern police force can only be said to date from the nineteenth century. As a result of these steps the security of life and property in every civilised country has been increased, whilst the incidence of crime has sensibly diminished.[1] But what is vastly more important is that the existence of an efficient and unobtrusive police force has assisted in the mental and moral process of transforming Hobbes' wolves—*homo homini lupus*—into law-abiding citizens. In free and self-governing States, the arm of the law is the servant of the people. It is the outward and visible sign of their fixed determination to secure justice between man and man, to prevent crime and to ensure the peaceful development of the nation. As such it guarantees that political changes, designed to meet the requirements of new social conditions—treaty revision in the international sense—are brought about by the application of reason instead of force and by substituting discussion and debate for violence and disorder. The sanction thus organised becomes the bed-rock of society, the prop upon which progress in every department of the national life ultimately rests.

In comparison with the populations which they police, the number of effectives enrolled in the constabularies is comparatively small. Their weapons and equipment are often of the most meagre and primitive description.[2] It would seem that in any violent and widespread upheaval they could easily be overwhelmed. How is it that under these conditions they are able to discharge the duties entrusted to their care? It is because each community has delegated to the police force the function of executing the decrees of justice.[1] It represents to every citizen the visible embodiment of a great moral principle—the equality of all men in the eyes of the law. As such it holds them "in awe." It commands their respect, whether they are law-abiding individuals or persons of evil intent, whether they belong to the sheep or to the goats. Moreover, the mere fact of its existence tends to multiply the number of sheep at the expense of the goats.

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[1] See p. 4, note 3.

[2] See chap. VIII, p. 302.

But, although the community has delegated these functions—the prevention, detection and punishment of crime—to the judicial and police authorities, each individual citizen has in no sense divested himself of the moral responsibility, recognised in common law,[2] of aiding its administrators in the execution of their duties. The old communal obligations expressed in "outlawry" and "hue and cry" still remain. The executive government may call upon all citizens to assist the arm of the law in maintaining peace. Consequently, the inherent duty of providing sanctions still rests in the community. The courts of justice and the police force represent the scientific method by which these sanctions have been organised. "The only effective friend of peace in a big city," says Roosevelt, "is the man who makes the police force thoroughly efficient, who tries to remove the causes of crime, but who unhesitatingly insists upon the punishment of criminals. Pacifists who believe that all use of force in international matters can be abolished will do well to remember that the only efficient police forces are those whose members are scrupulously careful not to commit acts of violence when it is possible to avoid them, but who are willing and able, when the occasion arises, to subdue the worst kind of wrongdoer by means of the only argument that wrongdoer respects, namely, successful force. What is thus true in private life is similarly true in international affairs."[1]

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[1] In the background, behind the police forces, are the military resources of the State, which may in times of emergency be called on to reinforce the police in suppressing civil disorder. See chap IX, p. 348 *et seq*.

[2] See chap. VI, p. 247.

This manifestation of the majesty of the law tends to dissipate the atmosphere of lawlessness. It is a constant reminder to every citizen of the rights and privileges he derives from the State, no less than the duties and obligations he owes to the community. It inculcates habits of thought and induces a mental outlook consonant with the natural ideas of justice and right. It reinforces the moral fabric of society, it assists the weaker brethren in their attempts to follow the paths of virtue; it curbs their appetites; it allays their passions. Is it not possible, as Roosevelt declared, that similar beneficent results may be anticipated when the principle of delegation, coupled with the scientific organisation of sanctions, is also applied in the domain of international law?[2]

VII

Laws of War

NEITHER Hobbes nor Grotius appears to have been satisfied that war could be regarded as a just sanction. Even though they were unable to suggest an alternative, it is clear that they both deplored its use. The former sought to substantiate his views by recourse to quotations from the Scriptures, whilst Grotius set himself the task of framing rules for its conduct. He endeavoured to humanise war. He laid down conditions and regulations to mitigate its horrors, to curtail its violence. He devoted twenty-five chapters of his book in developing these rules which, at a later stage, have been amplified into a code. We are told that Gustavus Adolphus, on his campaigns, always carried Grotius' book and slept with it under his pillow.[1]

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[1] T. Roosevelt, *Why America Should Join the Allies*, pp. 42–43.

[2] "One can make this Wilsonian doctrine (the freedom of the seas) intellectually and morally convincing, only when one denies the right of private war, and affirms that only the Great Society, which is all mankind, has the right to levy war, and only then for the general safety against a convicted aggressor."—Brailsford, *Olives of Endless Age*, p. 385.

International law is divided into two main sections; one set of rules to be observed during peace, another applicable to a state of war. In municipal law there is no such clear-cut distinction, unless indeed the proclamations of martial law or a state of siege may be regarded as such.[2] International law possesses no sanctions comparable with those of municipal law. Neither the peace nor the war rules represent more than a series of resolutions or customs which may be broken with impunity.

The only deterrent is the fear of war which may result from a flagrant violation of these rules. Clearly, to the State which desires to go to war even this partial deterrent is non-existent. Whatever may be said as to the observance of the peace rules before the war fever has been engendered, it is obviously wrong to ascribe to the rules for the regulation of war the attributes of law.[3] The latter are only observed on grounds of expediency.[4] Only when the belligerents believe that some immediate interest will be served do they adhere to them. If, on the other hand, some advantage is to be gained, they do not hesitate to flout them. In short, the observance of these rules may only tend to assist the dishonest and unscrupulous antagonist and to place his enemy at a disadvantage.[1] "International Law," says M. le Bon, the eminent French publicist, "is supposed to control the relations of the nations among themselves, but it does not do so, the lack of sanctions having always prevented it from being respected."[2] The experiences of almost every war, and especially of the Great War, confirm this view.

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[1] T. W. Balch, *Le Nouveau Cynée de Emeric Crucé*, p. xxvi, and authorities cited thereat.

[2] Even the suspension of the Habeas Corpus Acts, the nearest approach in England to a proclamation of Martial Law, merely suspends the remedy and does not terminate the right of the individual. With the restoration of order, the right becomes enforceable. Hence the necessity for the passing of Acts of Indemnity to protect the agents of Government.

[3] " America and the Allies ceased to bother about technical questions such as continuous voyage or the ultimate destination of particular cargoes. They discarded all argument and by *force majeure* put neutral neighbours of Germany on rations as regards everything that might help Germany to carry on the war."—Viscount Grey, " Freedom of the Seas," in *Foreign Affairs*, April 1930, p. 328.

[4] " Necessity knows no law. . . . Anybody who is threatened as we are threatened and is fighting for his highest possessions can have only one thought."—Von Bethmann-Hollweg, August 4th, 1914, quoted in J. M. Beck's *The Evidence in the Case*, p. 210.

Dr. Murray Butler, in discussing the question of an international police force, alludes to this point as follows: "For the maintenance of rights and for the redress of wrongs between nations there are, first, the legal remedies and, secondly, the resort to violence and force. In this way (by the universal adoption of arbitration and the creation of an international police force) the rules of war would cease to form a part of the substantive law of nations; they would be classed together with the peaceable remedies and after them as one of the possible means of enforcing rights and redressing wrongs."[3]

It will be observed that when a sanction is vested in the international authority, the rules of war will become obsolete, and that it will no longer be necessary to employ two separate codes. Henceforward these rules become incorporated in the code or treaties governing all the actions of the international authority in peace and war. As such, and applied to police intervention, they will correspond in status to martial law and the state of siege. They will be transformed into definite laws drawing their authority from the articles of association constituting the international commonwealth and administered by the international court. Thus, rules will have become transformed into laws, and these laws will have been reduced to a single code. The factor of unification is to be found in an international sanction which can be organised through the creation of an international force.

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[1] The fact that the so-called "laws of war" exist further enables a State to cloak as "reprisals" against a State which has violated them acts which are in themselves violations of the "laws." These reprisals in their turn bring forth counter-reprisals, and so the "laws" are called to support practices which are entirely contrary to them. The British declaration of October 3rd, 1914, proclaiming the North Sea a "danger area," invoked the German retaliatory declaration of February 4th, 1915, constituting the waters around Great Britain a "war zone." The British reply was the Order in Council of March 11th restricting German commerce. This unprecedented step was justified as a measure of retaliation for the German violations of the laws of war.

[2] *The World in Revolt*, p. 89. Cf. p. 4, note 1.

[3] *The International Mind*, pp. 76–77.

VIII

Kant

WE have already seen that Grotius based his system of international law on the analogies he derived from a study of municipal codes. He is much more concerned to secure justice than even to promote peace. His successor Kant, however, regards the problem from a rather different angle. Kant foreshadows his "Empire of Right" which is to be realised by the application of the federal principle. It has already been pointed out that this idea does not seem to have occurred to Hobbes or Grotius. But Kant observes that nature has ordained that mankind would be driven, unwillingly and contrary to his desires, into the path of peace through the medium of its "self-seeking propensities." Man cannot help himself. After many trials, wars and horrors, he eventually emerges into a state of permanent peace.[1] This is the method by which Fate or Providence attains the "higher purpose" for which mankind is intended. As far as man is concerned it is an unconscious process. Expressed in theological terms, it is the doctrine of predestination. At some remote period perpetual peace shall dawn upon the world, despite the depraved senses and passions of men.

The theology of Calvin appears to correspond to the philosophy of Kant. The former affirms that God wills the elect shall be saved, despite their imperfections and shortcomings. Grotius, on the other hand, maintains that mankind must work out its own salvation. It must adapt the Law of Nature to the relationships of nations, as it has already done to the relationships of individuals. The divine-given sense of justice, working through the faculty of reason, is the instrument by which this process has been applied successfully in civilised communities: equally will it succeed in the sphere of international relationships. Contrasted with Kant's views, here is a conscious and positive programme in which "justification by faith" is reinforced by "justification by works."

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[1] See p. 305, note 2, and chap. II, pp. 91–95.

The doctrines of Kant and Grotius, contradictory though they appear at first sight, are both fundamentally based upon the operation of the law of nature, interpreted, it may be, in different ways. Kant's conception is based on the federal idea; that of Grotius on the reign of law. Both views converge until they find a common meeting place in the provision of sanctions, without which neither a confederation of nations nor the reign of law becomes a practical proposition. Had both these philosophers lived in the twentieth century is it not probable, nay, is it not certain, that their views on this point would have coincided? Even Kant, gloomy prophet of woe and disaster ere the appointed day arrives, bids us labour for perpetual peace. "It is our duty," he says, "to realise a state of public right."[1] Confronted with the free and democratic constitutions of to-day, with the ever-growing network of educational institutions encircling the globe, would he not have urged us to redouble our efforts? Grotius, saturated with his ideas of justice, convinced that the law of nature prescribed the remedies to international no less than to municipal law, could not fail to have been impressed with the evolution of sanctions in all law-abiding communities, and would have urged their immediate application to the community of States. The eternal principles re-stated by Grotius and Kant to meet the conditions prevailing in their generation require to be interpreted anew in the light of recent events. Reinforced by the principle of adaptation to modern conditions, they point unmistakably to the creation of international sanctions, not as the ultimate goal, but as the broad highway which leads to the citadels of justice and peace.

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[1] *Perpetual Peace*, trans. Smith, p. 196.

IX

Further Testimony

WHAT further need have we of witnesses? If more evidence is required, however, to show that the relationships of States should be governed by the same principles as are already successfully applied to the relationships of individuals, the following considerations bear upon this point.

The Romans had no conception of international law. Had they ever conceived of it they would probably have regarded it as being based on the law of nature, and would have denied the existence of any distinction between civil and international codes.

Dante insists upon this analogy, for he says: "Take a single household; its end is to fit the members thereof to live well; but there must be one to regulate and rule it, who is called the father of the family, or it may be, one who holds his office. As the philosopher says, 'Every house is ruled by the oldest.'[1] And, as Homer says, it is his duty to make rules and laws for the rest. Hence the proverbial curse, 'Mayst thou have an equal at home.' Take a single village; its end is suitable assistance as regards persons and goods, but one in it must be the ruler of the rest, either set over them by another, or with their consent, the head man amongst them. If it be not so, not only do its inhabitants fail of this mutual assistance, but the whole neighbourhood is sometimes wholly ruined by the ambition of many who each of them wish to rule. If, again, we take a single city: its end is to secure a good and sufficient life to the citizens; but one man must be ruler in imperfect as well as in good forms of the State. If it is otherwise, not only is the end of civil life lost, but the city too ceases to be what it was. Lastly, if we take any one kingdom, of which the end is the same as that of a city, only with greater security for its tranquillity, there must be one king to rule and govern. For if this is not so, not only do his subjects miss their end, but the kingdom itself falls to destruction, according to that word of the infallible truth, 'Every kingdom divided against itself shall be brought to desolation.' If then this holds good in these cases, and in each individual thing which is ordered to one certain end, what we have laid down is true. Now it is plain that the whole human race is ordered to gain some end, as has been before shown. There must, therefore, be one to guide and govern, and the proper title for this office is Monarch or Emperor. And so it is plain that Monarchy or the Empire is necessary for the welfare of the world." [1]

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[1] Aristotle, *Politics*, i, 2, 6; quoting Homer, *Od.* ix, 114.

As we have already seen, Dante's Monarch or Emperor is intended to represent the abstract idea of justice or right.[2] He recognised that, as just civil law would bring peace between man and man, so just international law—a court of world justice—might bring peace between nations.

William Penn expressed the same view: "By the same rules of justice and prudence by which parents and masters govern their families, and magistrates their cities, and estates their republics, and princes and kings their principalities and kingdoms, Europe may obtain and preserve peace among her sovereignties." [3]

Rousseau refers to it in this striking passage: "If the social order were really, as is pretended, the work not of passion but of reason, should we have been so slow to see that, in the shaping of it, either too much or too little has been done for our happiness, that each one of us being in the civil state as regards our fellow-citizens, but in the state of nature as regards the rest of the world, we have taken all kinds of precautions against private wars only to kindle national wars a thousand times more terrible, and that, in joining a particular group of men we have really declared ourselves the enemies of the whole race ?"[1]

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[1] *De Monarchia*, I, v, trans. Church, pp. 186–188.

[2] Chap. II, p. 71.

[3] *An Essay towards the Present and Future Peace of Europe.* The Conclusion.

In more recent years, Dr. Murray Butler, alluding to the same points, observes : "A study of the struggle in the history of Europe between self-redress and the judicial settlement of private disputes, and of the steps by which private warfare was abolished and civil actions were made determinable by courts of law, will help to convince the nations of the world that the very measures which they have taken within their several borders to do away with self-redress and to establish domestic peace and order, are precisely those which will establish order and justice and assure peace between the nations themselves. This whole process is one of legal evolution."[2]

M. le Bon puts it in this way : "It is plain that Nature has made no attempt to establish between men a fraternity which is probably contrary to her mysterious ends. But human societies, stronger than Nature, have succeeded in setting up internal and inhibitive barriers which are supported by rigorous codes. In this way they have won the victory over individual hatreds and have forced the members of each society to respect one another."[3] "A society of nations . . . will only be possible . . . if a true international government is established. Some of the elements of such a government came into being during the war. But as a result of such a government the conception of national independence would undergo a transformation. It would be progressively replaced by the conception of interdependence. It would be characterised by the surrender of a fraction of the power of each State to delegates entrusted with the administration of international interests. This would be a new phase of national life, unknown to the statesmen of any period; but we shall assuredly see its development sooner or later."[1]

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[1] *A Lasting Peace through the Federation of Europe*, trans. Vaughan, p. 38.

[2] *The International Mind*, p. 77.

[3] *The World in Revolt*, p. 242.

X

Conclusion

WHAT is to be said of the opposing school of international jurists and publicists who poured ridicule upon the Grotian conception, and sought to destroy the basis of his analogy between municipal and international law? The views of these protagonists have been reinforced by the German school of philosophers, who have exalted the mystic properties of the State, who have represented it as the highest pinnacle of human progress,[2] and denied the existence or even the possibility of international justice. To what a pass have these eminent theorists brought mankind in these latter days. The answer is supplied by the tragic events which occurred between 1914 and 1918, which well-nigh shattered the foundations of civilisation. And yet such were the men who sat at the elbows of the framers of the Treaty of Versailles and the Covenant of the League of Nations. Blind leaders of the blind, they fell at the ditch of sanctions, like Hobbes and Grotius before them, but with no extenuating circumstances to excuse their lack of vigour and determination. The dearly-bought experience of three centuries in the development of law-abiding communities counted as nought. The new Magna Carta, stripped of its sanctions, could no longer be said to embody one of the main characteristics of municipal law. The distinguishing feature of law, as contrasted with rules of conduct, was omitted. Once more the analogy had failed. "The time of Areopagus" was at hand, but it was to be an Areopagus without sanctions.

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[1] *The World in Revolt*, p. 248.

[2] Cf. *Id.*, pp. 71–72.

What has the ordinary citizen to say to these proceedings? He may not be a legal expert, but he understands that courts of justice do not function properly unless the services of the policeman can be requisitioned. Whilst the war was in progress, the politicians were never tired of telling him that victory was essential to establish permanent peace; an idealist programme, perhaps, but nevertheless one which, accompanied by sanctions, would inevitably have curtailed the incidence of war to the narrowest limits, even if it did not abolish it entirely. Victory would then have set its seal upon justice; it would have made disarmament a possibility. But to send imperialism to the scaffold in this unmistakable way, without the slightest hope of reprieve; to outrage the feelings of those who still worshipped at the shrine of ultra-sovereignty, was perhaps more than we could expect of dexterous and agile politicians, even though they had actually witnessed the bloodiest war in history. The opportunity was missed. It may never occur again until a fresh holocaust of victims has been sacrificed on the altar of war to prove that Nature ordained sanctions in international no less than in municipal law and that the analogy between these two systems is complete and irrefutable.

CHAPTER V

SOVEREIGNTY

> "Mankind must be one, even as God is one—one in organisation as it is already one in principle. It is indispensable that there be some centre to which the collective inspiration of mankind may ascend, thence to descend again in the form of Law—a power strong in unity."
>
> MAZZINI.

I

LET us suppose that during the Great War an inhabitant of Mars, impelled by curiosity, set forth to visit the earth. Passing from continent to continent and from capital to capital, he observed the feverish activity which at that moment characterised all the nations on this planet. Seeking an explanation, he alighted at various points. Being informed that a world war was in progress, he determined to visit the military fronts and battlefields and, proceeding from one scene of carnage to another, he concluded that the human race had been seized with a fit of madness. Further investigations into the causes which had produced the horrible and devastating spectacles he had witnessed revealed a variety of motives which apparently impelled the nations to hurl themselves at each other's throats. In one country the Martian was informed that war was being waged to protect the liberties and freedom of the peoples and to ensure respect for the sanctity of international law. In another, that it was a struggle between the forces of democracy and autocracy. In a third, that it was undertaken to save the small and weak nations from being enslaved, and to secure for every nationality the right of self-determination. In the Teutonic countries it was described as a war of defence. It was admitted that they had taken the initiative but, as war was regarded as inevitable, they considered it would have been criminal to have avoided striking the first blow.[1] In many countries it was popularly believed that the massacre must proceed to the bitter end in order to destroy the cult of militarism. Consequently it assumed the character of a war to end war. Such were the reasons advanced to explain the appalling misery which the stranger had witnessed during his sojourn.

He then enquired whether the men and women composing the nations now bent on destroying each other adopted the same methods in settling their private disputes; whether courts of justice had not been established whose decisions were enforced by the police. Being assured that each nation prided itself on its administration of justice and its ability to maintain law and order, he asked why they had not seen fit to apply the same principles and organisation to the settlement of international disputes. If this procedure had produced such satisfactory results when applied to the relationships of individuals, why should it not equally succeed in the relationships between nations?

In response to this enquiry, the Martian was told that nations were sovereign entities which could never allow themselves to be coerced by any international authority; that they boasted of their freedom to impose their wills upon other nations, to commit acts of aggression as they pleased and to acquire new territories whenever a favourable opportunity presented itself. "We prefer living in splendid isolation," replied his informant, "until war has been actually declared: then we all rush into it, impelled by the fear that one of us may become supreme. You must also remember that in time of peace national rivalries are fomented by tariff wars and armament competitions; that we live under the spell of the hierarchies who prepare our military time-tables, so that when the signal is given we all pounce upon each other like wild beasts."

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[1] "If we do not decide upon war, the war we shall have to make in two or three years at the latest will be begun in circumstances much less propitious: now, the initiative belongs to us. . . . Since some day we shall have to accept the struggle, let us provoke it at once."—*Militärische Rundschau* (Vienna)—J. M. Beck, *The Evidence in the Case*, p. 114.

"Then you still maintain forces to destroy each other," observed the Martian. "Do you ever secure as a result of war any single advantage commensurate with your sacrifice in blood and treasure? Even though you are victorious, do you ever increase by one iota the welfare of your people? Do your wars ever produce a settlement based on principles of equity and right? Has it ever occurred to you that if your nations joined together to organise their forces for the purpose of administering justice, they would secure not only peace but a righteous peace? Your nations have one vital interest in common and that is to obtain justice. Consequently, all your military forces should be organised to achieve that end. If the inhabitants of the earth have sufficient intelligence to establish law courts, arbitration tribunals and police in their national communities, surely it is within their power to adopt the same procedure in the conduct of their international affairs."

Somewhat bewildered by the conflicting programmes outlined in the Press and emphasised in the political speeches of all the belligerents, the Martian contrived to pierce the veil of secrecy which surrounded the activities and policies of the courts, cabinets and military councils of the contending nations. In these spheres of authority he discovered that the war aims were very different from those which were being so enthusiastically endorsed by public opinion in the respective countries. Having arranged for an interview with this engaging though mysterious personality, whose pronouncements he understood were always regarded as infallible,[1] he was shocked to find how greatly she was swayed by the passions of the moment. Her views were distorted by the stories of new atrocities circulated by the Press from day to day. He perceived that her reason and common sense were, for the time being, completely submerged. Her hopes and fears had become the playthings of friends and foes alike. Discarding her independence, she had become the abject slave of the militarist parties. Involuntarily influenced by all the catch-words which the wit of man could devise to stimulate the lust of slaughter, Public Opinion was obviously the dupe of those elements which sought to realise their selfish policies under the cloak of idealistic objectives. No wonder that the Martian felt perplexed when the interview came to an end.

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[1] "Nor is the power of the community as a whole, apart from its titular Sovereign or its representative organs, extinct to-day. It survives in the vague but irresistible force of public opinion which controls all those organs."—Viscount Bryce, *Studies in History and Jurisprudence*, pp. 543–544.

Moreover, he found that the war cabinets of Europe were engaged in formulating schemes of national aggrandisement, for the acquisition of new territories and the control of raw materials. He also learnt of the existence of secret treaties concluded for the purpose of dividing the spoils when the struggle came to an end.[1]

During these investigations he chanced to encounter a white-haired and venerable lady whose dignified appearance and haughty demeanour unmistakably stamped her as the representative of a bygone age. The Martian, apologising for his intrusion, ventured to ask whom he was addressing. "I am called Sovereignty," was the reply. "You have doubtless often heard my name since your arrival on this planet. As you probably know, I represent a number of nationalities. I possess a palace and large estates in every country. My outlook is neutral and cosmopolitan, and I assume all sorts of disguises which make it difficult to identify me at any one moment or in any one place. My identity is a mystery which even lawyers are unable to determine and political scientists have never yet been able to agree upon. These learned men have endowed me with a dual personality.[1] They have usually been the protagonists of a political theory in support of which they have sought to enlist my services.[2] However, I have always enjoyed vast prestige and authority ever since my old friends Bodin and Hobbes introduced me into a bewildered world.[3] I was young and attractive in those days. Alas! centuries have passed since then. Hobbes succeeded in drawing up a contract which made me heir to great possessions. He conferred upon me a status which no other person has ever enjoyed in this world. My fame spread so rapidly that one nation after another hailed me as a deliverer from civil strife and anarchy. The jurists and statesmen set me upon a pinnacle which was denied even to emperors and kings. From my storehouse they derived the powers and authority they wielded over their subjects. In my smile they basked: at my frown they trembled. When they forfeited my confidence, I transferred my affections to other quarters. Prompted by Rousseau, Bentham and the radical school of philosophers, I became more democratic. In some States I deserted the princes and allied myself with the peoples, associating myself with their popular assemblies.

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[1] The secret Treaty of London of April 26th, 1915, brought Italy into the war in return for the promise of large accessions of territory in the Trentino, the eastern shore of the Adriatic, the Dodekanese and Asia Minor.

By an agreement concluded in March 1915, Russia was promised Constantinople and the Straits, while Great Britain's sphere of influence in Persia was enlarged.

A third secret treaty of August 18th, 1916, gave Rumania Transylvania and large territories in Hungary and the Banat.

The treaties were published in *Isvestiya*, the official Soviet organ, in November 1917, and by the *Manchester Guardian* on December 12th. —R. S. Baker, *Woodrow Wilson and World Settlement*, Vol. I, chaps. II and III.

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[1] "We have . . . in every political community two kinds of Sovereign, belonging to two different spheres of thought, the Sovereign *de jure* and the Sovereign *de facto*."—Viscount Bryce, *Studies in History and Jurisprudence*, p. 515. See p. 187, note 1.

[2] "These controversies have been at bottom political rather than philosophical, each theory having been prompted by the wish to get a speculative basis for a practical propaganda."—*Id.* p. 552.

"In the great controversies which have raged from time to time round the subject, the student will find everywhere reflected the despotism of the emotions over the intellect. Theories of sovereignty have been more often apologies for a cause than the expression of a disinterested love for truth."—W. Jethro Brown, *The Austinian Theory of Law*, p. 272.

[3] The modern conception of sovereignty dates from the Reformation, when national States, paying no allegiance to Emperor or Pope, came into existence. The idea, however, is much older. It is alluded to by Aristotle and Justinian.

"From my childhood I was brought up to revere my friend and mentor, Justice. She is one of the oldest inhabitants of this planet, and traces her birth to the dawn of history. Despite her age, however, she is perennially young in spirit. Long since I have asked her to administer the domestic affairs of all my States. I have charged my servant Force to carry out her orders."

"Who is Force?" enquired the man from Mars.

"Force is supposed to be my major-domo," replied Sovereignty, "but he is an unruly fellow and is the cause of almost all my troubles. He also is very old and made his first appearance in the Garden of Eden. Like Justice, however, he perpetually renews his youth. Hobbes and the rest of my sponsors intended that I should restrain his activities. In the old days he constantly disturbed the domestic peace of my States. Since I have placed his services at the disposal of Justice he has been more amenable. Occasionally he is still given to bouts of violence, but on the whole he has loyally aided Justice in maintaining the law and keeping the peace.[1] In fact, Justice tells me that his services are indispensable."

The Martian moved uneasily in his chair. "But you are blamed for the ghastly tragedy of this war."

"Yes," replied Sovereignty. "I am deeply conscious of the fact. It preys on my mind. It would have been all very well if my admirers had limited my responsibilities to the contracts which the individual persons in each of my States made between themselves, placing authority in my hands. If they had been content to stop there, things might have gone on smoothly enough, for I could always count upon the support of Justice. Unfortunately, however, these wise and disputatious men carried me into the international arena, where they proceeded to endow me with attributes which place me above every law, human or divine. They appealed to my vanity and pride; they surrounded me with every pomp and circumstance.[1] It is true that my elevation to this high estate was not based upon any contract between the members who move in the international circle. They were far too jealous and suspicious of each other to tolerate any proposal of the kind. Besides, a contract would have undermined my popularity and prestige. I owed my unique and exalted position to the fact that I could always hold out the alluring prospect of 'power and authority over others'[2] to each member of this curious collection of isolated units. It did not matter in the least that I was unable to keep this promise or, in fact, that it was impossible of fulfilment. Blinded by rivalry and ambition, they implicitly believed in my pretensions. They were convinced that I possessed the power of endowing each of them with the mastery over his neighbours. These qualities constituted my chief attraction and charm. To you, however, I am free to confess that I live in an atmosphere of unreality, and that my existence in the international sphere is based upon a hollow delusion."

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[1] "It is so convenient to all parties to maintain the fabric of ordinary private law with the judicial and executive machinery required to support that fabric, that even when the person (or set of persons) who exercises practical sovereignty is frequently changed by revolutions, the substitution of one head for another is not deemed to affect the general machinery."—Viscount Bryce, *Studies in History and Jurisprudence*, p. 518.

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[1] "It is the bugbear of national sovereignty which, consciously or sub-consciously, has stood, and will stand, in the way of a clear formulation of any international or super-national body which can ensure peace in the world."—Sir Charles Walston, *The Future of the League of Nations*, p. 15.

Cf. P. J. Noel Baker, *Disarmament*, p. 95, and the views of Professor Lasson cited by M. Gustave Le Bon: "A State could not without disappearing allow of any tribunal above it whose decisions it would have to accept. Between States there are no laws. A law being merely a superior force, a State which should recognise it would confess its weakness."—*The World in Revolt*, p. 72.

[2] Cf. Brown, *The Austinian Theory of Law*, p. 272.

"Why don't you summon Justice to your assistance?"

"How can I," exclaimed Sovereignty, "in the absence of a contract between the members giving me a title to the supremacy which the international jurists have already arrogated to me? If Justice entered this kingdom, what would become of my pretensions as the dispenser of power? They would disappear entirely: I should forfeit the admiration of my suitors. Besides, I have to reckon with Force. Though I am supposed to rule him, I find that when he is sufficiently recovered from his bouts of fighting he assumes his old robust character and turns the tables on me. In these moods he becomes a veritable tyrant, especially when he is encouraged by that fickle and ignorant jade, Public Opinion. On these occasions Force runs riot and, without the assistance of Justice, I am powerless to restrain him. Sometimes he complains bitterly that, by reason of the contracts, Justice has already deprived him of many opportunities of exhibiting his strength. Until this terrible war began to sap his energy he positively refused to become the servant of Justice in the international sphere."

"Has the war changed his attitude?"

"Yes, I believe it has to some extent. At the moment Force is greatly annoyed because a young upstart called Science has changed the character of fighting. Science was a civilian, but he has now become an ardent militarist. He has made himself extremely popular, because he has applied his peace discoveries to the art of warfare with the result that this war has now become a really horrible business. I have seen many sanguinary struggles in my time, but I have never allowed them to depress me. I confess, however, that this war makes me feel afraid. It is quite different from any of the others. We all blame Science because he has dragged the non-combatants into the arena. No one escapes, not even the women. Force is really furious. I believe Public Opinion has been saying nasty things about him. He wants to get rid of Science, but he cannot do so.[1] He may soon be willing to leave my service and become responsible to Justice in the international, as he now is in the domestic, sphere. If I can secure my contract, I shall certainly advise him to take this step. Public Opinion has already dropped him a hint in this sense. If he insists on maintaining the present system, we shall all be ruined."

"And if the rival States sign the contract, will not your status and prestige suffer?"[2]

"Yes, I confess that in some degree I shall forfeit my exalted position, but what I lose in power I shall gain in security.[3] I cannot hope to hoodwink my admirers for ever. Besides, I am growing old and, after all, Justice will relieve me of many burdens, whilst Force will seldom disturb my tranquillity. I shall still enjoy my vast possessions scattered all over the globe, and the wise men will still vie with each other in endeavouring to establish my identity. I must bow my head to the inevitable with a good grace, remembering the sage advice which Kant once gave me when he bade me become mistress of the Empire of Right.

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[1] "I would remind you of the conduct of the Chevalier Bayard, whom his contemporary soldiers described as *sans peur et sans reproche*. To captured knights and even bowmen he was the soul of courtesy, but musketeers or other users of gunpowder who fell into his hands were invariably put to death."—J. B. S. Haldane, *Callinicus*, pp. 28–29.

[2] "We shall be told: 'You are taking from Sovereigns the right of doing themselves justice; that is to say, the precious right of being unjust when they please. You are taking from them the power of making themselves great at the expense of their neighbours. You are forcing them to renounce those antiquated claims whose value depends on their obscurity and which grow with every fresh growth in power, that parade of might and terror with which they love to awe the world, that pride of conquest which is the chief source of their glory. In one word you are forcing them to be equitable and peaceful. What amends do you propose to make them for all these cruel privations?'"—J. J. Rousseau, *A Lasting Peace through the Federation of Europe*, trans. Vaughan, pp. 72–73.

[3] "In the latter case the pledges that are given him are really the security for his freedom: it would be forfeited if lodged with a superior: it is confirmed when lodged with equals."—*Id.*, pp. 80–81.

" Farewell, Stranger. When next you visit our planet may your eyes rest upon scenes of peace and prosperity, when Justice and I shall live under the same roof and Force, our major-domo, shall minister to our needs."

II

The Nature of Sovereignty

THE idea of sovereignty or supremacy is a theory which jurists and political thinkers apply to States both in their internal and external character. Moreover, it is necessary to distinguish sovereignty *de jure* from sovereignty *de facto*,[1] the former defining the legal seat of power prescribed by law, whilst the latter denotes its practical manifestation in the form which is able, or is thought to be able, to compel obedience to its commands. The perfect expression of sovereignty emerges when one person or body of persons can claim both these attributes, combining the legal right to exercise authority over their fellows with the means of enforcing it.

But even when the distinction between legal and practical sovereignty has been recognised, both these classifications are subject to a variety of definitions in the attempt to discover the identity of this elusive power. For instance, a number of eminent writers[2] have proclaimed that in the British Constitution sovereignty resides in the King and Parliament, whereas Austin, another celebrated jurist, has maintained that it is to be found in a combination of the King, the House of Lords and the electorate.[1] According to this definition, the function of the House of Commons is limited to a trusteeship on behalf of the electors.[2]

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[1] " Legal Sovereignty exists in the sphere of Law ; it belongs to him who can demand obedience as of Right. Practical Sovereignty exists in the sphere of Fact : it is the power which receives and can by the strong arm enforce obedience."—Viscount Bryce, *Studies in History and Jurisprudence*, p. 520.

[2] *Id.*, p. 506. Cf. A. V. Dicey, *Law of the Constitution*, Part I, pp. 37–176.

It is clear, however, that the majority of the publicists have regarded sovereignty from the standpoint of their own propaganda, and have moulded it in such a way as to fit it into the particular political systems of which they were the exponents.[3] For instance, the theories of Bodin and Hobbes were elaborated with the object of suppressing anarchy and civil strife by endowing the monarch with complete sovereignty over his subjects, which no one might call in question. Althaus and Rousseau, on the other hand, anxious to curb the absolutism of the king, maintained that sovereignty resided in the people from whom it could not be permanently alienated.[4]

Into this maze of controversy it is unnecessary to enter. Where so many learned treatises have been written it would be folly for a layman to attempt an analysis of this complicated subject. The ordinary person is not concerned with the validity of the theories which at different times have been so fully expounded by lawyers and political philosophers concerning the rôle played by the idea of sovereignty in the evolution of civilised communities. He is content to know that, in the words of Lord Bryce, "After long wanderings through many fields of speculation, as well as many a hard-fought fight, all civilised nations have come back to the point from which the Romans started twenty centuries ago. All hold, as did the Romans, that sovereign power comes in the last resort from the people, and that whoever exercises it in a State exercises it by delegation from the people." [5]

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[1] *The Province of Jurisprudence Determined*, Lecture VI; Brown, *The Austinian Theory of Law*, pp. 125–127.

[2] *Id.*, p. 127.

[3] See p. 182, note 2.

[4] Cf. Viscount Bryce, *Studies in History and Jurisprudence*, p. 533, and Brown, *The Austinian Theory of Law*, p. 272.

[5] Viscount Bryce, *Studies in History and Jurisprudence*, p. 554.

He also knows that during these "wanderings" experience has taught individuals that their liberty, security and welfare are bound up with a system of law which can be enforced by the sovereign power. He understands that sovereignty in its absolute sense has never really existed; that it has always been circumscribed by factors, real or potential;[1] that it has been surrounded by safeguards contained in the Magna Cartas, constitutions or articles of association of each civilised nation[2] and by the division of the sovereign power between persons or groups of persons who together combined to perform the legislative, executive and judicial functions of the state.[3] Fortified by this knowledge, the fruit of experience, the peoples have seen fit, in a number of cases, voluntarily to place at the disposal of their particular sovereign the means of securing justice between man and man. Not only have they acquiesced in the establishment of courts of law by the sovereign power, but they have endowed the latter with the means of compelling the appearance of criminals before these courts. Not only have they evolved an executive, but they have entrusted it with the means of securing obedience to the decisions of the courts and the acts of their legislatures.

Thus the communities in whom the sovereign power ultimately resides have delegated these responsibilities to their "sovereign organs"[4] to carry out on their behalf, entrusting to each organ its appropriate duty. The communities may have been actuated by various motives in the process of evolving these arrangements. They may have concurred in them, not because they particularly wished to do so, but because they were driven to adopt this course. There was no alternative except to allow each individual person to retain in its entirety the particle of sovereignty which he inherently possessed. Such a state of affairs could only have ended in complete confusion and anarchy, each individual being a law unto himself, and entirely dependent upon his own prowess in the use of weapons for his safety and existence. From this absurd and deplorable condition in which the lives of men were "solitary, poor, nasty, brutish and short"[1] Hobbes endeavoured to rescue them by recourse to the theory of contract. The contract was a myth, but the social condition which necessitated a contract was real. Thus the sovereign power was brought into existence through necessity, and was subsequently endorsed by morality and reason.

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[1] "Some of those who have written on Sovereignty describe the Sovereign as being subject to no restraint whatever . . . there has never really existed in the world any person, or even any body of persons, enjoying this utterly uncontrolled power, with no external force to fear and nothing to regard except the gratification of mere volition."—*Id.*, p. 523.

[2] "There may be some things which by the constitution of the State no authority is competent to do, because those things have been placed altogether out of the reach of legislation."—*Id.*, p. 510.

[3] "The difference between the departments undoubtedly is that the legislature makes, the executive executes, and the judiciary construes the law."—Chief Justice Marshall, in Wayman *v.* Southard, 10 Wheat. 46.—T. M. Cooley, *Constitutional Limitations*, chap. v.

[4] Brown, *The Austinian Theory of Law*, p. 287.

Finally, sovereignty was recognised as residing in the community which delegated its employment to its appropriate organs. But whether these organs were constituted on the basis of law (*de jure*) or of fact (*de facto*) the result represented an enormous advance upon a condition of sheer anarchy. Only in exceptional circumstances, when violence seized the reins of government, did justice relax her hold upon the affairs of the community.

III

Supremacy

LET us contrast this regime, imperfect though it may be, with the idea of sovereignty in international relationships. In the latter it may assume a purely negative character. As between States, themselves regarded as units, there is no sovereign power or, in other words, in the positive sense sovereignty is non-existent. A State is not sovereign if it habitually defers to the will of another State. Consequently, any proposal which seems to suggest the creation of an international authority or confederation is denounced as an attempt to encroach upon the inalienable rights of the sovereign State.

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[1] *Leviathan*, chap. XIII.

If the term "sovereignty" implies supremacy[1] it cannot be applied to States in their relationship to each other. Between the individuals composing each State and the State itself it may convey a number of meanings, all of which are intelligible. But to use the same term in describing the relationship of States to one another is unintelligible. Clearly, in the international sense no nation is supreme: in other words, it does not exercise sovereignty over its neighbours. However confusing it may be, the idea of sovereignty appears to have been imported from the sphere of domestic politics and suddenly pitch-forked into the international arena.

Here are a number of isolated units revolving in the international circle, supreme in their own power, wisdom and outlook, cherishing the delusion of their intrinsic superiority in comparison with every other community. Aided and abetted by a fanatical nationalism, this conception of the sovereign State is based upon the absolutism of self-defence,[2] unrestricted competition and a complete denial of the right use of force, all of which express the negative aspects of international sovereignty. All States are, therefore, supreme until one of them challenges the supremacy of its neighbour. At the conclusion of the conflict a treaty is signed imposing certain obligations on the vanquished nation. For the time being its supremacy has been extinguished. Until it has discharged these obligations, its freedom of action and choice of policy have been restricted. It can no longer be described as possessing all the attributes of a sovereign State.

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[1] "In the ordinary popular sense (Sovereignty) means Supremacy, the right to demand obedience. . . . An ordinary layman would call that person (or body of persons) Sovereign in a State who is obeyed because he is acknowledged to stand at the top, whose will must be expected to prevail, who can get his own way and make others go his, because such is the practice of the country. Etymologically the word of course means merely superiority."—Viscount Bryce, *Studies in History and Jurisprudence*, pp. 504–505.

[2] See chap. VI, p. 206.

For example, when Germany ratified the Treaty of Versailles she forfeited temporarily her claim to the unfettered exercise of sovereignty, because for a number of years she bound herself to carry out the stipulations of the Treaty. During this period she must habitually conform to the combined will of the Allies as expressed in the clauses of the Treaty. To this extent her sovereignty has been impaired and she has been compelled to undertake obligations which, did she enjoy a status of supremacy, she would summarily have rejected. Nevertheless, in spite of this fact, Germany is still able to wield great influence. Although she has been disarmed and is surrounded by neighbours which are armed to the teeth, she retains her moral power and exercises a far greater degree of influence in international affairs than the vast majority of States whose legal sovereignty remains unimpaired.

There is the further consideration that all treaties impose restrictions on the sovereignty of those States which become parties to a pact, whether it is concluded as the result of hostilities or as a peaceable instrument for the settlement of international differences. In one sense and in varying degrees every treaty, reciprocal or otherwise, impinges upon the domain of sovereignty. Each State agrees to do or not to do certain things. To this extent its freedom of action is circumscribed unless it repudiates its obligations and becomes guilty of a breach of faith. In another sense, however, voluntary acquiescence in the provisions of a treaty denotes the unfettered exercise of the sovereign power.[1] When the element of compulsion is absent one State is free to enter into contractual relationships with any other State. The sovereignty of both remains unimpaired, even though they habitually conform to certain rules or articles of association embodied in the treaty which they have agreed shall regulate their future actions. It was on these grounds that the international lawyers who defended the secessionist claims of the Southern States based their contentions.[1] Regarded from this standpoint, a State which freely elects to become a member of a confederation or federation is able to do so without extinguishing its sovereign rights. Even when compulsion has been applied and a State has yielded to *force majeure*, it may still be contended that it acted of its own volition. For instance, when Germany signed the Treaty of Versailles, her position, as of any other nation completely defeated, was a very special one. Theoretically such a nation can refuse to sign, but, practically, the consequences of refusal are so serious that it must sign. As, however, the possibility of refusal exists, its signature may be assumed to be a partial consent to the limitation of its sovereignty.

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[1] "A State, which is convinced that it would be useful for its self-preservation and for the maintenance of general peace, to associate with the other States . . . and who voluntarily, with its full sovereign

It is, however, idle to speculate upon the degree of sovereignty or supremacy which one State exercises over others. In this sense, sovereignty in the sphere of international relationships is non-existent.

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authority, to attain this exalted object, leagues itself with other States in a general convention, loses in my opinion nothing of its sovereignty."—Lieut.-Gen. J. C. C. Den Beer Poortugael ; in *War Obviated*, pp. 105–106.

"If by a general treaty we could come to an agreement to have *one* sole armed force, to assure if necessary the execution of the awards of the permanent Court of Arbitration, it seems to me that this would be applying the sovereignty of the State in the noblest and most perfect manner in facilitating the march of the Law of Nations towards Peace."—*Id.*, p. 98.

[1] "The Southerners, led by Calhoun, insisted that (Sovereignty) remained in the several States, suspended or temporarily qualified, but capable of resuming its former proportions in each State whenever that State should quit the Union."—Viscount Bryce, *Studies in History and Jurisprudence*, p. 550.

IV

Superiority and Equality

ON the other hand, it is true that the element of superiority cannot be disregarded. If the idea of supremacy is banished from our minds, the fact remains that States, like individuals, considered relatively enjoy various degrees of superiority. Thus we are confronted with two apparently conflicting characteristics of modern States ; their equality in the realm of law and their inequality in the domain of politics. The latter is expressed in the degree of superiority to be attached to each State in comparison with its neighbours, which may be measured by a scale taking into account a number of factors. Upon what basis is the measurement of superiority to be assessed ? It is clear that if an agreement can be reached on this point it may be possible to classify States in such a way as to give each its appropriate position in the international sphere.

Under existing conditions, each nation directly and indirectly exercises its influence upon its neighbours. The development of means of communication, the swift interchange of ideas and the growing economic interdependence of all countries contribute to intensify these reactions. In the main they are due to the scientific achievements of the last century and, as new discoveries are forthcoming, they will become more and more pronounced. The complete status of independence defined by Grotius is unattainable in the modern world.[1] Foreign entanglements are bound to occur. No nation, however powerful, not even the United States, can avoid them. Nations, like individuals, cannot remain in isolation even though they endeavour to cultivate the ideas of nationalism and sovereignty to the point of insanity. In the last resort they are all members of one body. But the influence exerted by States varies in degree and these correspond to the degrees of superiority. The latter are expressed by the moral prestige, the historical record, the intellectual attainments, the size of the population, the amount of wealth and all those factors which together constitute the standard of civilisation of a particular State.

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[1] Cf. J. Austin, *The Province of Jurisprudence Determined*, Lecture VI ; Brown, *The Austinian Theory of Law*, p. 114.

"Independence of this sort is only possible in the desert."—Den Beer Poortugael in *War Obviated*, p. 104.

In the past the degree of superiority has been assessed upon the basis of force, measured in armaments. Each sovereignty imposed its influence, powerful or weak, upon the remainder as it deemed fit, regardless of the dictates of morality and reason.[1] An international code of rules was supposed to regulate the actions of these detached units, but as the code could not be enforced it was usually disregarded. It is true that the sovereign powers paid lip service to the idea of justice, but they steadfastly refused to inaugurate the reign of law. Few nations embarked upon hostilities without invoking the aid of the Almighty in a just cause. The national conscience must be attuned to the exigencies of the moment. Even Bismarck was compelled to woo the support of public opinion, though this proceeding involved the publication of a forged telegram.

But the most acute manifestation of the interplay of these mutual influences was to be found in a state of war, when the element of superiority was supposed to exert itself to the utmost limit.[2] In a lesser degree it operated in the armament competitions, in tariff wars, in colonial and economic policies and in other spheres of national activity.

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[1] Thus Greece took advantage of the weakness of Turkey and of a rumoured proclamation for the massacre of Christians to occupy Smyrna in May 1919. The occupation was followed by a new military offensive, instigated by Venizelos and Sir Basil Zaharoff, and supported by the financial and armament resources of the latter.—R. Lewinsohn, *Sir Basil Zaharoff*, pp. 136–140.

[2] "What is deemed a good case *de jure* has sometimes proved a temptation to a weak State to resist when it had better have agreed with its adversary, or a temptation to a strong State to abuse its strength, whether by resorting to force, when it ought to have accepted arbitration, or by expending on the annihilation of its opponent an amount of blood and wealth out of all proportion to the issues involved."—Viscount Bryce, *Studies in History and Jurisprudence*, p. 551.

It is obvious that we cannot eliminate the factor of superiority. Even if this was possible, it would be unwise to do so, because the idea of superiority, the result of competition, is inherent in any progressive system. It should, however, be defined within certain limits prescribed by international law. The claims to superiority should be recognised and adjudicated upon, not by the arbitrament of war, but by the application of reason and common-sense.

Thus it may be possible to classify or group all the national sovereignties in accordance with the degree of influence they exert upon the affairs of mankind. The international superiority of all States would then be reduced to relative proportions, and each would be entitled to its appropriate share.[1] This principle has already received partial recognition in the constitution of the League of Nations. Six States—the United States, Great Britain, France, Germany, Italy and Japan—have been accorded permanent seats on the Council, and this superiority has been endorsed by world opinion. It may be necessary to extend the process of classification in order that the element of superiority may be given its appropriate place.[2]

How does this proposal accord with the principle of equality? Nations, like individuals, are all equal in the eyes of the law. When they appear before an international court of justice or an arbitration tribunal superiority no longer asserts itself. They are also equal in a deliberative sense; the right to speak and to be heard. This principle has been recognised in the constitution of the Assembly of the League. But they are not equal in an executive or legislative sense. Here superiority steps in and claims its share in carrying the burden of international sovereignty. The framers of the Covenant, whilst conferring upon each State-member judicial and deliberative equality, rightly refused to accord the same executive powers to the United States and Costa Rica, or to France and Luxembourg. In the legislative field they failed, however, to devise a scheme of assessing superiority in terms of voting power, and adopted the negative proposal of giving each State-member the right of veto. With certain exceptions, in the main relating to procedure, no resolution can run the gauntlet of the Assembly unless it receives a unanimous vote.[1] Thus the problem of adjusting the claims of equality and superiority in the executive and legislative spheres still remains to be solved. In the past federalists, confronted with the same difficulty, have discovered ways of overcoming it. Their successors will, no doubt, be able to solve the same problem in its relation to the new confederation which has sprung up at Geneva. The articles of association may have to be re-cast, a formula devised and a further classification of sovereignties agreed upon. The task, however, will not be insuperable if, as a preliminary, the States-members are prepared to establish the reign of law and to endow their new association of sovereignties with the means of enforcing it.[2]

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[1] See chap. XIII, p. 514, and Appendix J.

[2] See chap. XIII, p. 523, and Appendix J.

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[1] The exceptions are (*a*) Matters of procedure may be decided by a majority, (*b*) New members may be admitted by a two-thirds majority, (*c*) Amendments to the Covenant take effect when ratified by all members of the Council and by a majority of the members of the Assembly : a dissenting State is, however, not bound by such amendment, but ceases to be a member of the League.—Cf. J. L. Brierly, *The Law of Nations*, p. 205. The usual procedure adopted at Geneva is that before submission to the Plenary Meeting of the Assembly all resolutions are considered and recommended by one of the six committees constituted by the Assembly. During the proceedings of these Committees motions are carried by a simple majority vote. Further, it should be noted that resolutions of the Assembly have no force until they have been ratified by the governments and legislatures of the individual States-members. In practice, the effect of this procedure has been that a large proportion of the decisions of the Assembly have never been ratified and remain a dead letter.

[2] See chap. XIII, p. 514 *et seq.*

V

The Contract

IN the seventeenth century Hobbes conceived that the pressing need of mankind was the suppression of civil strife and the enthronement of justice.[1] As a result, he formulated his theory of contract between the individual persons of each State, under which they were supposed to have pooled the particles of sovereignty inherent in each member of the community by agreeing to set up a ruler who would give to every man his due. Sovereignty would thus be focussed in a person or persons whose word was law. He or they would hold in awe all evil-doers, dispensing justice impartially amongst the individuals who had signed the contract and their successors. Thus, in return for this act of renunciation of supreme or superior powers, the subjects of the absolute monarch would live in an ordered state of society. Their lives would be protected, their wealth and prosperity secured. Force, consecrated to the service of the State and centralised under the authority of the sovereign, would henceforth be used to suppress civil strife and create the conditions under which the decrees of justice could be enforced.

Had Hobbes lived in the twentieth century, he would no doubt have singled out the abolition of war as the theme of his treatise. His original contract between individuals was a myth. In these days, however, he might have proposed the drafting of a real contract. He might have urged the nations to adopt the same procedure which previously he had attributed to individuals, applying the principle of federalism, which in his day had not been resurrected.[2] He might have avoided the pitfalls of absolutism and undivided sovereignty which his original contract postulated. He might also have insisted upon a new form of voluntary contract to be signed by the sovereign nations, engaging themselves to set up an international authority endowed with those sanctions "which give laws their force." And if stark necessity prompted the communities envisaged by Hobbes to seek their salvation through the recognition of a sovereign power, an even sterner fate decrees that an international contract shall be signed in the twentieth century. Faced with the prospect of mutual annihilation and the utter destruction of civilisation, the nations have no choice in the matter. Scientific achievements in the realm of materialism have produced this necessity. It can only be provided for, in the words of the Phillimore Committee, by a "drastic pooling of sovereignty," a step which this Committee was unwilling to suggest.[1]

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[1] "The conservation of Peace and Justice, the end for which all Commonwealths are instituted."—*Leviathan*, chap. XVIII.

[2] See chap. IV, p. 165.

A man who is on the point of drowning may clutch at a straw, but it will not save him. With the aid of a lifebelt, however, he may be able to reach the bank. There is as much difference between a sanctionless contract and one which can be enforced as there is between the straw and the lifebelt. This difference is expressed, not in the actual force itself, but in the determination of the signatories which the organisation of the force implies to use it for a single purpose and for that purpose alone; the carrying-out of the terms of the contract. The League of Nations Commission contented itself with sanctions which might prove to be real or imaginary. Its members did not express the determination of the nations they represented to convert international rules into laws. "In that (international) sphere there is no Law, in the strict modern sense, because no superior authority capable of adjudicating on disputes and enforcing rules exists, and therefore we cannot speak of the Sovereignty of one State over another State in the same sense in which the Person or Body within a State may be called Legally Supreme over the subjects."[2]

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[1] Miller, *The Drafting of the Covenant*, Vol. I, p. 4.

[2] Viscount Bryce, *Studies in History and Jurisprudence*, p. 546.

Herein lies the vital difference. Imperialism still stands on the threshold of the international council chamber. It may still ride roughshod over any contract. Disarmament and Security must still remain in the anteroom whilst Justice, patiently holding the scales, may be banished from the proceedings. If the nations are sincere in their protestations, if they have already taken the first step in the pooling of sovereignty, why should they hesitate to produce their pledges? Forced by necessity to construct out of their sovereignties a world confederation, why have they refused to give it the hallmark of permanence and stability? The idea of international sovereignty or supremacy in the old sense is dead, but it has not yet been replaced by a new conception which seeks to guarantee the inviolability of international law and to provide hostages for the good behaviour of the signatories of the contract. Necessity demands this guarantee; justice implores it; whilst the national sovereignties, relying upon the terms of their contract, will be prepared to support it.

VI

Sovereignty must Conform to the Law of Progress

"SOVEREIGNTY, being an attribute of human association, must be subject like human association to the laws of development. Generically describable as some kind of power or authority in some kind of political community, Sovereignty must necessarily change as communities grow."[1] This dictum cannot, however, be limited to the progress of the individual State. It also applies to the conditions of international sovereignty. As nations become increasingly dependent upon each other and as their intimacy tends to grow with every new discovery in the intellectual and scientific world, the development of the machinery governing their mutual relationships must also keep pace with the advance in the domains of sociology, law and politics.

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[1] Brown, *The Austinian Theory of Law*, p. 273.

Any flaw or breakdown in this machinery may produce catastrophic results. It may injuriously affect every individual person in all the sovereignties, whether they are belligerents or neutrals. The direct consequences of an international rupture may become literally a matter of life and death to millions of persons. If it develops into a general conflagration, it is safe to say that not a man, woman or child will escape its fiery touch. The growth of international sovereignty, through the medium of an international authority, is not merely an academic question: it is an eminently practical one which concerns the welfare of every person, no less than the continued existence of every civilised community. The experiences of the Great War have already demonstrated this truth, and the predictions concerning the next do not need to be emphasised. International sovereignty has now become a live issue which overshadows all the petty sovereignties, nationalisms and rivalries of the member States. Moreover, the continued existence of the latter is bound up in its development. Virulent diseases require drastic remedies. If the pooling of sovereignty in the existing constitution of the League is not sufficiently drastic, a further contribution should be added to the pool. If war and the preparation for war remain as the ultimate test of international superiority, other means must be found of deciding the issue. Only when superiority of force has been placed at the disposal of justice and when sovereignty *de jure* has also become sovereignty *de facto* can we feel convinced that the pressing needs of humanity have been provided for and that the future of civilisation has been assured. This development in international relationships will not deprive the States-members associated in the new sovereignty of their rights to wield their domestic sovereignties in accordance with their national requirements and predilections.

VII

The New Sovereignty

"NATIONS and Kingdoms and States have, each of them, certain peculiarities which must be regulated by different laws. For law is the rule which directs life. Thus the Scythians need one rule, for they live beyond the seventh climate and suffer cold which is almost unbearable from the great inequality of their days and nights. But the Garamentes need a different law, for their country is equinoctial and they cannot wear many clothes from the excessive heat of the air because the day is as long as the darkness of the night. But our meaning is that it is in those matters which are common to all men that men should be ruled by one Monarch (Justice), and be governed by a rule common to them all with a view to their peace."[1]

The inauguration of the reign of law is the supreme "common rule" or interest. At the outset the dividing line between international and national affairs has been tentatively laid down in the covenant or articles of association.[2] The aggressor must also be defined. The international courts of justice and arbitration tribunals must be capable of dealing with and cognisant of every international dispute. Sanctions must operate with certainty and precision.[3] Thus each sovereign State, revolving in its own orbit, will pay its allegiance to the international authority. Its security and defence having been guaranteed by the joint action of its neighbours, it will be able to devote all its energies to peaceful pursuits, to its intellectual, political and economic development and to the elucidation of all those domestic problems which confront the statesmen of every age.[1] In the words of William Penn, the national sovereignties "are as they were, for none of them have now any sovereignty over one another, and if this be called a lessening of their power, it must be only because the great fish can no longer eat up the little ones, and that each sovereignty is equally defended from injuries, and disabled from committing them." [2]

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[1] Dante, *De Monarchia*, I, XIV, trans. Church, p. 205.

[2] "Each nation" was, in the scheme for an international police force propounded by Roosevelt, "to be guaranteed absolutely in its sovereign rights in certain particulars."—*Why America Should Join the Allies*, p. 44.

[3] See chap. XIII, pp. 511–512.

Sovereignty in its widest sense and in its ultimate form will have assumed the garb of federalism. Expressed in the articles of association, it will have been divided into two parts.[3] The "pool" will have absorbed a small, though none the less vital, portion which will have been delegated to the international authority. This fragment may, in turn, be distributed between the judicial, executive and deliberative organs of the authority. To the international Supreme Court should also be entrusted the responsibility of interpreting the articles of association and, in case of necessity, of adjudicating upon any conflicting claims arising out of the division of sovereign powers between the authority and its States-members. International law will then be codified and expanded as the result of judicial and arbitral proceedings. At a subsequent stage this procedure will probably not suffice. It will then be reinforced by legislative enactments on the part of the deliberative assembly, when the relative superiority of the members of that body has been assessed in terms of voting power. In course of time the deliberative may develop into the legislative organ, but in the meantime the creation of sanctions is not precluded by the absence of a legislative power.[4] If under this system a State-member becomes the victim of injustice or tyranny, it can exercise the right of secession provided for in the articles of association.

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[1] Cf. Le Bon, *The World in Revolt*, p. 248, cited at pp. 175–176.

[2] *The Peace of Europe*, chap. IX.

[3] Cf. Viscount Bryce, *Studies in History and Jurisprudence*, p. 549.

[4] See chap. XIII, p. 508.

" Every community without laws and without rulers, every union formed and maintained by nothing better than chance, must inevitably fall into quarrels and dissensions at the first change that comes about."[1] The enforcement of the decrees of justice is still a matter of chance. The theory of State sovereignty has been used to retard the growth of an international regime: it has been employed to exclude the provision of reliable sanctions. As we have seen, this theory has really no bearing upon the problem, except to furnish an illustration of the development of civilised communities which can be applied in the realm of international relationships. As such, notwithstanding political and legal controversy, it may serve as a guide to international reformers of the future.

The doctrines enunciated by Hobbes and Austin, in so far as they emphasise the right use of force in the governance of the world and the need of identifying sovereignty *de jure* with sovereignty *de facto*, still hold the field. " Covenants without the Sword are but words, and of no strength to secure a man at all. If there be no power erected, or not great enough for our security, every man will, and lawfully may, rely on his own strength and art for caution against all other men."[2] Experience has vindicated the validity of their arguments in the politics of men: it will also confirm them in the politics of nations.

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[1] Rousseau, *A Lasting Peace through the Federation of Europe*, trans. Vaughan, p. 46.

[2] Hobbes, *Leviathan*, chap. XVII.

" A Commonwealth without Sovereign Power is but a word, without substance, and cannot stand."—*Id.*, chap. XXXI.

CHAPTER VI

SELF-DEFENCE

"In practice I at any rate will henceforth rely and call upon God and my bright sword alone, and damn their resolutions."—KAISER WILHELM II.

I

Self-Defence Relative, not Absolute

MONTESQUIEU declares that the right of self-defence is sacred to every individual and to every nation[1]; that this right is in consonance with natural law and is one which no person and no State is prepared to give up. In the case of the individual it is true that in the abstract every man if he is attacked has the right to defend his person and property. But there is this qualification: that if in the act of defending himself he kills or wounds his assailant he will be called upon to appear before a court of law to justify his action. He must prove that the blow was struck, the shot fired, in sheer self-defence and that there was no alternative course. The onus lies upon him of demonstrating to the satisfaction of the jury that he was the defender and not the attacker. If he is unable to substantiate his case, he will be punished. If, on the other hand, he can vindicate his innocence, he will be acquitted.[2] It is clear that Montesquieu's dictum regarding the rights of the individual must be modified. The right of self-defence is relative and not absolute.

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[1] "The life of governments is like that of man; the latter has a right to kill in the case of natural defence, the former have a right to wage war for their own preservation."—Montesquieu, *Esprit de Lois*, Book X, chap. II: trans. Nugent, Vol. I, p. 133.

[2] *Self-Defence in Municipal Law. England.* The infliction of physical injury by one person upon another is *prima facie* unlawful: when the hurtful act has been proved the onus of establishing self-defence is upon the person who inflicted the injury. If he can prove that the hurtful act was inflicted by him when he was in imminent danger of attack and, further, that the amount of force employed by him did not exceed certain limitations, then he is exonerated. The force used must be *limited to*

Montesquieu ascribes the same rights to the State. The State, however, after it had defended itself, was under no obligation to vindicate its innocence before any legal tribunal. If it had overstepped the limits of self-defence, it could not be summoned to appear before the bar of international justice. In the past it is true that world opinion endeavoured to pass judgment upon these events with the meagre information at its disposal. Each of the belligerent nations firmly believed that it was engaged in a war of defence, and its rulers took great pains to strengthen this conviction in the minds of its people. But public opinion in the States outside the circle of the belligerents had no test and no criterion wherewith to discover the defender: it possessed no means of branding the aggressor. It is notorious that on these occasions public opinion was largely manufactured by the Press, who arrogated to themselves the

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defence, however insulting the attack may be. It must be *necessary*: if a murderous attack can be successfully avoided by retreat, by threats, or by incapacitating the attacker, the plea of self-defence will not justify killing. In the third place, the injury inflicted must be *proportionate* to the injury threatened.—A. V. Dicey, *Law of the Constitution* (8th edition), p. 489; Kenny's *Criminal Law* (12th edition), p. 103; Archbold's *Criminal Law*, p. 877; Halsbury's *Laws of England*, Vol. IX, pp. 586–587.

U.S.A. American law is similar, but where the machinery of law is non-existent, conditions unknown to the common law of England have had to be recognised. In such circumstances, in the absence of "an authoritative police government," force may be used, even to the extent of the infliction of death, in anticipation of an imminent danger, even before the first blow of the aggressor is struck. But this right of offensive-defensive is not exercisable where recourse is available to due process of law with its tribunals and police.—Wharton, *Criminal Law*, §§ 484–487; *Homicide*, §§ 480–532.

Germany. The first two limitations of English law are found in the German Criminal Code (Sec. 53), while the principle of proportion is recognised in Articles 227–228 of the Civil Code.

France. French law also requires that the amount of force exercised in self-defence be limited by the first two qualifications of English law.—*Code Pénal*, Articles 328–329.

functions of judge and jury.[1] Their conclusions were often based on misleading information, and their judgment was warped by irrelevant prejudices and interested motives.[2]

It followed that when a dispute was tried before the bar of international public opinion there was no guarantee that the verdict would be a just one. Unlike the individual person, the State had no opportunity of proving its innocence before a properly constituted tribunal where all the facts could be sifted, and where a plea of non-aggression could be substantiated. Consequently, the right of the State to defend itself was regarded as absolute, whereas in the case of the individual it was only relative.

The unqualified right of the State to put forward the plea of self-defence is now being questioned. The articles of the Covenant imply that before a

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[1] "The papers mostly create public opinion. Some of the papers err through their ignorance and lack of correct information; they can scarcely see further than their nose's length. But more dangerous, and at the same time loathsome, is that part of the Press which writes what it is paid for. The scoundrels who do such dirty work are in no fear of starving. They will always incite the hostility of one nation against the other, and when at last by their hellish devices they have brought about the much desired collision, they sit down and watch the fight which they organised, resting well assured that the profit will be theirs, no matter what the issue may be. In this way, in 99 cases out of a hundred, what is vulgarly called 'public opinion' is a mere forgery."—Kaiser Wilhelm II: S. B. Fay, *The Origins of the World War*, Vol. I, p. 268.

[2] "At the request of Briand . . . Henri Turot, the former municipal councillor, put himself in touch with Zaharoff and submitted to him his plan for the strengthening of propaganda in the Near East by setting up a news agency for the countries of the Eastern Mediterranean. Zaharoff . . . thought the project not sufficiently comprehensive. . . . 'I do not want,' he explained to Turot, 'a small limited agency confined to a small locality; I will extend your idea further and give you the means to create a world agency.' In February 1916, the *Agence Radio* was set up . . . Zaharoff provided a million-and-a-half francs to run it. . . . The *Agence Radio* became one of the most effective media for French propaganda. . . . In order to ensure a market for its announcements, the French propagandists set to work, at Zaharoff's expense, to acquire whole newspapers."—R. Lewinsohn, *Sir Basil Zaharoff*, pp. 125–126. The association of Zaharoff with the armament firm of Vickers is, of course, well known.

State resorts to warlike measures it should express its willingness to submit its disputes to an international court or tribunal.[1] Before the League came into existence no obligation rested upon any State of justifying the action it had taken in committing a breach of the peace, and no sanction existed to compel the appearance of the parties to the dispute. Even now the sanctions contained in Article 16 are inadequate to compel the appearance of the parties before an international court.[2] The international authority possesses no force sufficiently powerful to ensure that each case will be submitted to the appropriate tribunal upon whose proceedings and verdict world opinion would be able to form a reliable judgment. This fact was recognised by the framers of the Locarno Security Pact, and induced them to include Article 8,[3] from which it is clear that, in the opinion of the High Contracting Parties, the League as it is at present constituted does not provide "sufficient protection." This means that it is unable to compel the procedure necessary to distinguish between the defensive and the aggressive State or to enforce the decisions of the Court constituted by the Covenant. This protection will not be forthcoming until the League has been furnished with a compelling agency, and this agency will not exist until an international police force has been established.

Let us consider another comparison between individuals and States. It may be laid down as a general principle that individual citizens have renounced the means of self-defence in civilised communities. No longer do they carry lethal weapons, nor do they fortify their dwellings. Each person has merged the means of his own defence in the defence of the community. The community has organised a police force, not only to repress civil disturbances and breaches of the peace, but also to protect individual rights and property. It has already been pointed out how this system has been developed.[1] As the sense of security became implanted in the minds of individual citizens, they ceased to carry weapons. It dawned upon them that it was unnecessary to do so, and that they were probably much safer if they discarded them. The organisation and control of the common protective forces became more effective as time went on. There was no wholesale prohibition of weapons in the form of a general edict forbidding citizens to carry arms. No sweeping laws were passed, except during periods of crisis or alarm or as the result of action on the part of a hostile or invading State.[2] Nor was the policy of relative disarmament applied to individuals as it is now proposed to apply it to States. No attempts were made to limit the number or types of weapons which each person was allowed to retain. The disarmament of individuals was achieved through the sense of security which the establishment of a police force engendered in their minds, together with the fact that codes of law were promulgated and courts of justice had come into existence.

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[1] Article 12. The submission of disputes to arbitration, to judicial settlement or to the Council is the basic idea of the whole Covenant. The Geneva Protocol of 1924 expressed the intention of the signatory Powers "to render more complete the provisions" of the Covenant regarding disputes submitted to the Council.

[2] See chap. III, p. 142 *et seq.*

[3] "The present Treaty shall be registered at the League of Nations in accordance with the Covenant of the League. It shall remain in force until the Council, acting on a request of one or other of the high contracting parties notified to the other signatory Powers three months in advance and voting at least by a two-thirds majority, decides that the League of Nations ensures sufficient protection to the high contracting parties; the Treaty shall cease to have effect on the expiration of one year from such decision."

It follows that the same principle applies to States, and that disarmament can only be effected when the sense of security has been established which will induce States to disarm, because they are convinced that their armaments are no longer required. This conviction will become manifest when each State has merged the means of its own defence in the defence of the community of nations, and the provision of an international police force has transformed the idea of self-defence from an absolute to a relative objective. Then, and not till then, will it be regarded in its proper perspective.

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[1] See chap. IV, p. 155 *et seq.*, and Appendix F.

[2] No definite date can be fixed at which the generality of English citizens ceased to carry means of protection ; it was a gradual disarmament in which the organised centres of population long preceded the scattered countryside. It was a process which followed the successful administration of the criminal law and the organised protection of the community so closely and inevitably that no general legislation forbidding the bearing of arms was necessary.

II

The Evolution of Law in American Territories

IN recent years perhaps the most striking illustration of the inauguration of legal institutions combined with sanctions, involving a modification of the right of self-defence on the part of individuals, is unfolded in the story of the development of the Middle West and Western States of America. When the first pioneers settled in those far-distant territories before the era of transcontinental railways they lived under a rudimentary social system. In fact, legal institutions did not come into existence for many years. The sheriff and his posse were almost unknown. Every man was a law unto himself, and was compelled to defend himself when the necessity arose. He carried a rifle or revolver, and his life often depended upon his prowess in its use. Occasionally men banded themselves together to deal with some intolerable situation; to hunt down criminals, to defend townships, and in other ways to enforce the crude customs and rules which by common consent were recognised by the community.

Step by step the civilisation of the Eastern States spread westwards. Territories were carved out and governed by the Federal executive at Washington; law courts were established; judges were nominated; and the sheriff came upon the scene. At a later stage these territories were incorporated as States in the Union on a basis of equality with the older States. In this way the reign of law gradually superseded the customs and traditional rules which had fortuitously grown up during the pioneering days.

It is probable that for many years the inhabitants in these regions scarcely realised that their social conditions had changed, and that the right of self-defence had undergone a considerable modification. They still carried weapons, until at last they gradually discovered that the arm of the law, represented by the judge and the policeman, was a sufficient protection from assault and robbery. No general law was passed prohibiting weapons: they were simply discarded, because they were no longer necessary.[1] It may be true that even to-day the criminal and the "gunman" are much more in evidence in the "wild and woolly West" than in the older States on the Eastern seaboard, but in comparison with their condition fifty or eighty years ago, the new States may now be described as law-abiding communities.[2]

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[1] "The inhabitants have taken the steps necessary to dethrone force and to enthrone law and constitutional government in its place. This does not mean that the old grounds of dispute are not there. . . . But it means that these issues are settled by process of law, according to the concepts of reason and justice and liberty current in the community, enforced by the collective strength of the community, instead of by ordeal of battle between the parties or by the weaker yielding his rights through fear to the strong. . . . Everywhere from the earliest times until to-day the only way in which humanity has been able to secure either peace or freedom or the opportunity of progress has been through the substitution of the reign of community law for the reign of individual force."—P. Kerr, *The Prevention of War*, p. 18.

[2] This description can only, however, be used in a relative sense. "The criminal situation in the United States, so far as crimes of violence are concerned, is worse than that in any other civilised country. . . . While your Committee cannot obtain the exact figures, from all available sources of information we estimate that there were more than 9,500 unlawful homicides last year (1921) in this country; that in 1920 there occurred not less than 9,000 such homicides and that in no year during the past ten years did the number fall below 8,500. In other words, during the past ten years, no less than 85,000 of our citizens have perished by poison, by the pistol or the knife, or by some other unlawful and deadly instrument."—Report of Sub-Committee on Law Enforcement: *Report of American Bar Association, 1922*, p. 427.

It will thus be seen that the development of society in the Western States affords the most recent example of the qualification of the right of self-defence in the relationship of individuals. This right has now been defined within certain limits, recognised by law and sanctioned by public opinion. But public opinion—the expression of the national mind—has not been content with a loose and haphazard arrangement to ensure respect for this definition. It has provided a police force to hold in awe those persons who, under the cloak of self-defence, might commit acts of tyranny and aggression.

Over longer periods and in varying degrees the same process has characterised the growth of every civilised community. The hall-mark of civilisation in any country is the purity of its courts and the efficiency of its police, and this standard has only been reached when the citizens were prepared to surrender the absolute right of self-defence.

The same principle applies to nations. Internationally we remain uncivilised until the means of self-defence now at the disposal of each separate State have been co-ordinated under the auspices of an international authority. A man may defend himself with his fists when he is attacked. Similarly, under the new international dispensation a nation may still defend itself with the quota of armed force assigned to it by the League. In both cases, however, the defender relies upon a common protective force to come to his assistance. It is the certain knowledge that this force will function, whether it be the municipal or international police, that induces him to disarm and, in so doing, to abandon his absolute right of self-defence.

The converse is also true, namely, that if a State is unable or unwilling to provide adequate protection, the citizens will re-assert their right of absolutism: they will re-arm themselves[1] and that State will relapse into barbarism. Likewise, if the provision of sanctions is withheld from the international authority and each State realises that it must still depend upon its own military and naval resources for protection, the right of self-defence will still remain undefined and unmodified. As heretofore it will be the supreme factor in international relationships.[1] Consequently, the edifice of the League, so laboriously constructed, whose foundations were bathed in the blood and tears of countless thousands during the agony of the Great War, will have crumbled into ruins amidst the welter of a more destructive and pitiless Armageddon.

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[1] "The obligation of subjects to the sovereign is understood to last as long, and no longer, than the power lasteth by which he is able to

III

Federation and Self-Defence

THE doctrine of the absolute right of national self-defence has suffered a severe blow at the hands of federalism. The true test of the efficacy of the federal system is to be found in the voluntary abandonment of absolutism in the realm of defence, and depends upon the degree in which the federated States have organised their military and naval resources into a joint force under the control of the federal executive. This force serves the dual purpose of providing sanctions to the federal court and of protecting the federation from out-

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protect them. For the right men have by nature to protect themselves, when none else can protect them, can by no covenant be relinquished. The sovereignty is the soul of the commonwealth; which once departed from the body, the members do no more receive their motion from it. The end of obedience is protection; which, wheresoever a man seeth it, either in his own or in another's sword, nature applieth his obedience to it and his endeavour to maintain it."—Hobbes, *Leviathan*, chap. XXI.

[1] "The disarmament of the States has been effectively carried out, because the assurance of protection by the central organisation is backed up by an adequate navy and army of the United States. To an American it seems that the same general lines must be followed by the League, if it would arrive at any real disarmament of the member-States and 'the enforcement of international obligations by common action.' The States-members of the League cannot safely disarm until the League absolutely guarantees their protection against invasion or aggression and that absolute guaranty must be backed by an adequate world police on sea and land and in the air."—Oscar Newfang, *The United States and the World*, pp. 174–175.

side aggression. If the States-members have endowed the the federal executive with overwhelming force to compel obedience to the federal laws ; if they rely upon the federal army for the security of their frontiers ; the new organism can furnish ample guarantees for its future cohesion and stability. If, on the other hand, each State retains the supreme control over its army and navy ; if it refuses to allow the federal writ to run ; if it relies primarily upon its own resources in the event of an attack ; the federation will have been born with the germ of disintegration in its body, which only a thorough overhauling of its constitution can remove or a surgical operation in the form of a new war can eradicate. Consequently the foundation of any stable federation must rest upon the provision of an adequate force as a sanction, which in turn demands a radical modification in the absolute right of self-defence.

Two striking examples in modern history illustrate this point : the confederation followed by the federation of the American colonies, and the federal union of the Germanic States.

The confederation of the United States of America, following the War of Independence, proved to be an illusory bond,[1] partly because of the importance which the thirteen States attached to the theory of sovereignty, and mainly to their insistence upon the retention of powers which rendered the confederate machine unworkable.[2] Seven years' experience served to demonstrate the impracticability of the confederate regime, and in 1789 it was superseded by a federation. The new constitution recognised the absurdity of the absolute right of self-defence on the part of each individual State.[3]

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[1] "The Confederation was an utter failure, and now was sinking, a helpless hulk, amidst general contempt."—*C.M.H.*, Vol. VII, p. 243.

[2] "There was an almost total lack of the concerted powers which are necessary to that swift and decisive action often required in national emergencies."—T. J. Norton, *The Constitution of the United States*, p. 75.

[3] "No State shall, without the consent of Congress . . . keep troops or ships of war in time of peace."—Art. I, s. 10, of the Constitution of the United States.

It declared that defence against foreign Powers was a mutual obligation devolving on all States-members of the federation, that each State should contribute its quota to the federal army[1] and that the federal executive should be entrusted with the direct control of a central force which included a federal navy.[2] To this central force was delegated the duty of patrolling the frontiers, always threatened by Indians, bands of marauders, outlaws and aggressors of various kinds. But the central federal army, comprising a mere handful of men, was totally inadequate to cope with any powerful combination of the militias representing the quotas drawn from the individual States. These were organised on a State and not on a federal basis.[3] They were equipped with the same weapons as the central force. Consequently, the latter was unable to count on any overwhelming superiority either in the machinery of war or in numbers.[4]

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[1] See note 3, *infra*.

[2] "Congress was vested with . . . the power to raise and support land and naval forces . . . Congress was to raise and support the armies, to provide and maintain a navy."—J. B. Scott, *The United States of America*, p. 167.

[3] Article II of the Amendments to the Constitution of September 25th, 1789, declares that "a well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." Each State maintains a militia, some of the States having bodies of the highest order in discipline and equipment.—Norton, *Constitution of the United States*, p. 76. The authority of Congress over the State militias is limited. It sets the standard and prescribes the regulations for training and discipline. It may call them out for one of the three purposes mentioned in the Constitution; to execute the laws of the Union, to suppress insurrection or to repel an invasion.

[4] The permissible strength of the United States Army under the Act of 1861 was 39,273 men.—*E.B.*, 11th edition, Vol. XXVII, p. 663. The actual strength was far smaller. "The regular Army of the United States numbered 17,113 officers and men, scattered in small detachments to guard the vast Western frontier against the Indians, it could not immediately be withdrawn."—*C.M.H.*, Vol. VII, p. 451. There were, however, the State Militias which in the loyal States would be called to the service of the government. On April 15th, 1861, 75,000 men were called into the service of the Federal Government. The total force of some 93,000 men thus at the service of the Government was ridiculously inadequate. "It was quickly seen that the 75,000 militia called into service by the President's proclamation would be insufficient to meet the

When the crisis arrived seventy years later the federal executive was unable to hold in awe the secessionist States: it could not compel them with the forces at its disposal to submit the matters in dispute to a constitutional and legal mode of settlement.[1] The spectre of absolute self-defence once more raised its head, resulting in one of the bloodiest civil wars recorded in history.

The years which followed the conclusion of the war marked a fresh advance in the status of the federal government. The union had been cemented in the blood of its manhood, and the people of the United States, composed of divers races and heterogeneous nationalities, awoke to the consciousness of being a great nation. Henceforward they were "one and inseparable."[2] The powers of the federal executive were

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rapid development of the insurrection, and the formation of a new army was immediately begun."—*C.M.H.*, Vol. VII, p. 451.

[1] "The importance which the framers of the Constitution attached
to such a tribunal for the purpose of reserving internal tranquillity is
strikingly manifested by the cl h gives this Court jurisdiction
over the sovereign State his union, when a controversy
arises between the the right to seek redress for
injustice fr gn powers, they have bound
them Court and to abide by its
here that experience has
sely surrendered by the
l since this Government
ontroversies have taken
respective boundaries,
e and violence but for
de between them."—
l, 506, 519.
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136 U.S., 211.
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strengthened, and the sanctions behind the jurisdiction and decisions of the Supreme Court became unassailable.[1] The federal authority, gathering momentum, reached across the vast continent from the Atlantic to the Pacific. To the States-members of the federation the right of individual self-defence became merged in the defence of all. It assumed the garment of relativity: it no longer cloaked itself in absolutism. The spectre was laid to rest, and ever since it has ceased to embarrass the successors of Abraham Lincoln. The price paid for this consummation was represented by the lives of hundreds of thousands of American citizens who had fought gallantly on both sides in this desperate encounter.

Could this penalty have been avoided? Could a wise statesmanship have prevented this terrible catastrophe? Perhaps it is idle to speculate, but had the federation been equipped with the "major force"[2] in the form of a strong federal army whose equipment and numbers could have produced a deterrent effect upon the secessionist States, the still small voice of reason might have been listened to. At the worst, even had the struggle been inevitable, it would have been short, sharp and decisive.

It is clear that the weakness of the federal government was discernible in its lack of adequate sanctions and that the quota system of militias, the basis of the federal army, failed to afford the necessary protection in the hour of need.[3] Public opinion in the several

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Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect that it will cease to be divided. It will be all one thing or all the other."—Abraham Lincoln, June 16th, 1858: Lord Charnwood, *Abraham Lincoln*, p. 145.

[1] See chap. I, p. 23, and Appendix A.

[2] See chap. II, p. 106.

[3] Thirty years later the weakness of a force composed of quotas not co-ordinated or organised under a proper central authority was demonstrated in the weakness of the forces at the disposal of the Emperor Kwang-Su in the Japanese War.—Cf. Ballard, *Influence of the Sea on the Political History of Japan*, p. 133.

States, obsessed with the ancient right of self-defence, unwilling to trust its destinies to the arbitrament of reason, swayed by passion and resentment, had refused to organise its sanctions in advance. It waited on the event, and the event found it unprepared. America paid the penalty, a heavy price, in four years of civil war.

Half a century later this great republic joined a shadowy association of nations, with its headquarters at The Hague, whose objective was the prevention of war. This organisation possessed no sanctions ; the absolute right of self-defence was regarded as sacrosanct by its members. It disappeared in the melting pot of the Great War, but not before the United States had been dragged into the cauldron after three years of hesitancy just as, half a century before, she was plunged into a devastating civil war because her people had hesitated to endow the federal authority with adequate sanctions.

The second example of the modification of absolutism in the right of self-defence is revealed in the history and development of Germany. Less than a century and a half ago Germany was split up into numerous principalities, kingdoms and petty States. Each of these political entities possessed a force wherewith to defend itself. Sometimes they co-operated. On these occasions "not only each regiment but each company was formed of the contingent of several States, and each kept its own uniform and armament. There were States whose entire contingent consisted of two men equipped at their own expense, but also in their own fashion."[1] The pressure exerted by neighbouring States, notably during the Napoleonic struggles, no less than the growing consciousness of national unity, helped to weld all these entities, large and small, into a confederation which was after the Franco-German War in 1871 transformed into a federation to which Bismarck had supplied the coping stone in the shape of a federal army.[1] It was not until that moment that Germany could truly be described as a federation. Ever since the Congress of Vienna she had toyed with the idea of confederation: it had become the plaything of kings and emperors, the goal of the Liberal and Nationalist parties. Both Austria and Prussia in their struggle for hegemony had used it as a tool to further their own ends. All the attempts of genuine reformers to produce a stable confederation had been thwarted by this rivalry, joined with the fears and prejudices of the smaller States. The chief stumbling block in the path of the confederationists was the unwillingness of the separate States to modify their rights of self-defence and to entrust the confederate authority with the necessary sanctions.

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[1] Cf. Hassall, *The Balance of Power*, p. 12.

Bismarck realised that this was the crux of the problem, and his solution was ingenious. The administrative powers of the Prussian king were brought into play to supplement the theoretical weakness of the federal bond, and in practice the federal constitution was endowed with an overwhelming force which once and for all deprived each State-member of its cherished absolutism.[2] But it had required three wars to educate public opinion before this result could be achieved. The proud claim of the House of Hapsburg to the leadership of the Germanic Race was firmly set aside. The pretensions of France to interfere in Teutonic affairs were sternly repudiated. Thus in the fulfilment of these two policies the German States surrendered their absolutism. For the purpose of defence they became one, and the federal sanction became a reality.

What has been the sequel? For half a century the new organism has stood the test. It has emerged from a world war as a federated republic: born in the flush of victory, it has braved the storm of defeat. Stripped of its armaments, it has survived the aftermath of intrigue, chicanery and oppression which constitutes one of the most disgraceful and damning pages in the annals of French diplomacy.[1] All attempts at disintegration have failed and to-day the German Reich stands forth as a striking example of what federalism can accomplish.

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[1] By the "August Conventions" of 1866, Wurtemburg, Baden and Bavaria had given the supreme command of their armies in time of war to the king of Prussia. Thus in practice the whole of Germany had been placed under the Prussian military system.

[2] *E.B.*, 11th edition, Vol. XI, p. 879.

Are there any analogies to be discovered in the cases under consideration? In the first place two statesmen, Lincoln in America and Bismarck in Germany, recognised the vital significance of sanctions. They realised that absolutism in self-defence was incompatible with the true conception of federalism. Lincoln employed the direct method. He grimly asserted the authority of the federal government and applied a weak sanction, which in his hands and in those of his successors developed into a strong and recognised instrument. Bismarck, on the other hand, resorted to indirect means to secure stability for his federation. On two occasions he attacked foreign powers which he regarded as a menace to his schemes. He utilised them as punch-balls to develop the muscle requisite for his federal sanction. The results, however, were the same in both cases.

Secondly, in each instance confederation preceded federation, and the former system did not suffice to overcome the rivalries and jealousies of the individual States-members. The real remedy was discovered when each State was prepared to merge its own defence in the defence of the federation, and to provide the federal Court with a sufficiently powerful sanction. The new regime was found to be unworkable until the idea of absolutism had been displaced by relativity in the minds of rulers and peoples.

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[1] "Before, during and since the Peace, there has been no lack in France of paper schemes for the creation of an independent State in the Rhineland, and there is not the slightest doubt that, since the occupation of the Ruhr, many French agents have been working for the realisation of some of these schemes."—*The Times*, October 23rd, 1923.

Thirdly, both confederations were the offspring of wars; they followed national and international convulsions, in the case of America at the conclusion of a civil struggle, in that of Germany after a conflict with her western neighbour. If, amongst the numerous encounters in the Civil War, Chancellorsville can be singled out as the turning point in the fortunes of the North, then the defeat of absolutism dates from the moment when Stonewall Jackson was mortally wounded.[1] Sadowa and Sedan mark the successive stages of its downfall amongst the Germanic States. Are we forced to the conclusion that " blood and iron " is the only effective prescription for nations suffering from absolutism and the dread of sanctions? Can no other alternative means be discovered of effecting international legislation in the twentieth century?

What lessons may be learnt from these experiments in the realm of federalism? It is obvious that the surrender of the absolute right of self-defence to a central authority has not retarded the growth nor diminished the welfare of the co-operating States. On the contrary, it has increased their prosperity a hundredfold. Secondly, the chain of events leading up to the federal constitution in its final form proves that a number of ingredients must be included if its stability is to be assured. It is not enough that the powers of the confederation or federation and the rights of its members, both in relation to the central authority and to each other, should be clearly defined; that the federal laws and statutes should be embodied in a code; and that a federal court and boards of arbitration should be established to adjudicate upon conflicting claims. There must also be constituted a strong federal executive armed with sanctions sufficiently powerful to enforce compliance with the articles of the constitution and to provide protection against outside aggression. These represent the minimum requirements. None of them can be dispensed with if the federal machine is to run smoothly and reliably. If the objective is the prevention of war, all these safeguards should have been provided simultaneously. And if, in spite of past experience, this has not been done, there must be no delay in supplying the missing parts.

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[1] " Until the battle when Stonewall Jackson fell, the tide of success was flowing and had borne the flag of the new Confederacy within sight of the gates of Washington . . . the tide began to ebb when Jackson fell."—Viscount Wolseley, Introduction to Lieut.-Col. G. F. R. Henderson's *Stonewall Jackson*, p. x. The same appreciation of the qualities of the great leader was expressed by a former chaplain in the Louisiana Brigade, who concluded his prayer at the unveiling of the Jackson Monument in New Orleans with these remarkable words: " When in Thine inscrutable decree it was ordained that the Confederacy should fail, it became necessary for Thee to remove Thy servant Stonewall Jackson."—*Id.*, Vol. II, p. 424.

IV

The League and Self-Defence

IT cannot be maintained that these historical examples have no significance for the future. If the League of Nations represents the latest experiment in the realm of federation, it is pertinent to enquire how far the world has travelled along this road and to what extent it has benefited from human experience in the past. The League has been furnished with a written constitution, a deliberative assembly, a court of justice, a permanent secretariat and a council with executive functions. But its sanctions, if they exist at all, are nebulous and ill-defined.[1] The States-members have declined to surrender one iota of their absolute right of self-defence, to which they still cling tenaciously. The executive of the confederation has not been entrusted with the control of a single battalion. It possesses no international police or headquarters staff of any kind to enforce the decisions of the International Court or to exert pressure upon the aggressor.[1]

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[1] "In the present state of the world the sanctions of international law can be enforced only with the assistance of a powerful army."—Gustave Le Bon, *The World in Revolt*, p. 91.

Thus it will be seen that the true hall-mark of federalism was deliberately excluded from its constitution by the framers of the Covenant. Either they did not realise the real significance of sanctions or they lacked the courage and determination of Lincoln and Bismarck. They have bequeathed to their successors an organisation suspended in mid-air, which may become a prey to conflicting counsels and a potential breeding ground for bargaining and intrigue.[2]

Unless a drastic remedy is forthcoming, the event, arriving suddenly, will find this institution unprepared, and mankind will once more be compelled to face the fiery furnace of war to prove that sanctions are indispensable and that the right of self-defence can no longer be regarded as absolute. A second great war is a needless price to pay for learning a lesson which should have been learnt long ago. "But," says the fatalist, "if this mysterious procedure is pre-ordained, if the nations are blinded by the obsession of absolutism, they must perforce learn a new lesson in the stern and relentless school of war. When the next world war has run its course they will proceed to set their house in order and to remedy these defects." But if in the meantime the development of science applied to the arts of destruction has razed the edifice of civilisation to the ground, no salvage operations will be necessary and there will be no restoration because there will be nothing left to restore. The secessionist States will have pleaded their right of self-defence and, in the pursuit of this resurrected spectre, they will have engulfed the world once more in misery and barbarism.

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[1] "What a mess . . . Leagues of Nations with no power to enforce decrees has landed us in."—Diary of Field-Marshal Sir Henry Wilson in Callwell's *Life*, Vol. II, p. 198.

[2] The bargaining and intrigue of Poland, France, Spain and Brazil resulted in the failure of the Extraordinary Assembly of March 1926 to reach an agreement and postponed the entry of Germany into the League by six months. Poland having, in France, the support of a Great Power was ultimately given a position on the Council very similar to that for which she had fought. Spain and Brazil, not being in the same fortunate position, withdrew for the time being from the activities of the League.

V

Is the League a Federation?

IT may be said that the League is not a federal institution, and that it can never bear the slightest resemblance to any of the federations existing to-day. Acute differences of nationality, race, language, temperament, religion and a host of other formidable barriers render any closer association of its members impracticable. It is argued that in Germany and America the idea of nationality helped the process of federation, though in the case of the latter the consciousness of nationhood had obviously no connection with racial origins, inasmuch as the citizens of the United States trace their parentage to every country in Europe. Similarly the Swiss people, whose achievements in the realm of federation are an object lesson to the whole world, are regarded as a nation despite the fact that they are composed of three different races—French, German and Italian—and to this day speak three different languages. The cantons have merged their rights of self-defence in the federal government. The national army, organised on the quota system, has been placed under federal control and supervision, constituting a force upon which the federal executive may rely.[1]

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[1] The supreme head of the Swiss military administration is the Federal Council acting through a Military Department which is, in peace time, the central authority for military questions. There is a General Staff, under the Military Department, and a National Defence Committee which deals with important questions affecting national defence. The cantonal military authorities are in charge of the cantonal military administrations, under the supervision of the Military Department. The head of each territorial area is appointed by the Federal Council. Service and training regulations are issued by the same body. As soon as a levy of troops on a large scale is ordered, the Federal Assembly appoints a Commander-in-Chief. The National Defence Committee then ceases to function and, on the outbreak of war, the Military Department takes over the territorial services.—*Armaments Year Book*, 1928–1929, p. 784 *et seq.*; *Statesman's Year Book*, 1929, p. 1314.

In Canada it has been found possible for the French of Quebec to federate with the British of Ontario and the heterogeneous racial communities inhabiting the Western Provinces. English and French are recognised as official languages at Ottawa.[1]

Thus it is clear that racial and linguistic differences do not constitute an insuperable obstacle to the establishment of a federal authority. "But," says the pessimist, "Switzerland is the product of outside pressure: her national consciousness is the result of the menace of absorption by hostile States coupled with her unique geographical position, a rare flower which has steadily flourished in the Kantian 'garden of adversity.'"[2] But in a greater or less degree all federations trace their origin to the same source, to some phase of pressure in national or international affairs. The League is no exception. It was born in the convulsions and throes of the Great War. Nevertheless, it is a confederation—embryonic, imperfect and as yet devoid of the federal hall-mark of stability, the provision of sanctions. During its short existence there has not been time to develop an international consciousness which may be defined as a recognition of identity of interests binding its component parts into one indissoluble body. But, unless in the meantime civilisation is utterly destroyed in a new world war—a highly probable contingency—international consciousness will grow as national consciousness has developed in America, Germany and other countries where the federal idea has taken root.[3]

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[1] British North American Act, 1867, s. 133.

[2] See chap II, p. 91 *et seq.*

[3] Whatever may be said of the internal relations of the American States under the Articles of Confederation of 1781, viewed from an international standpoint they "offered an example of a union of sovereign, free and independent States much closer than that of the society of nations, and in spite of their imperfections, indeed because of their imperfections, they show, it is believed, how the society of nations can be organised as a confederation without involving the sacrifice of sovereignty, should the members of that society be inclined to consider a conscious and closer union than exists to-day."—J. B. Scott, *The United States of America—A Study in International Organisation*, chap. III, "A Confederation of Sovereign States."

If federations represent the offspring of those idealistic conceptions animating the reformers of every age, they are, as we have seen, no less the product of national or international conflicts. They are attempts on the part of nations to prevent a recurrence of these disasters. The underlying motive is fear or apprehension, which drives them to co-operate in the search for peace and mutual defence. In the past the sense of fear has been more or less confined to actualities, the ascertained military or naval strengths of possible opponents. Since 1914 this fear has increased immeasurably. Science has been applied to war, and its discoveries and inventions have foreshadowed endless possibilities in the realm of the unknown. No one can foresee where these developments will end. A new giant has appeared upon the scene brandishing his club, a menace to every nation, large or small. Apprehension is already stirring in the minds of all thoughtful men, and sooner or later it will permeate the consciousness of the rank and file. In sheer self-defence nations will be compelled to abandon their petty sovereignties and claims to absolutism. Impelled by a common interest, the fears which they have hitherto entertained for each other will be merged in the dread of this incarnation of an unknown warrior. They will be driven to establish the new federation upon an unassailable foundation of justice and reason. They will even unite in harnessing the giant to the chariot of sanctions, and the federation of man, once a dream, will have become a reality.

> " For I dip't into the future, far as human eye could see,
> Saw the vision of the world, and all the wonder that would be,
>
> . . . .
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> Till the war drums throbb'd no longer, and the battle flags were furl'd,
> In the Parliament of Man, the Federation of the World." [1]

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[1] Tennyson, *Locksley Hall.*

VI

The Covenant and Self-Defence

WHAT the Covenant has to say on the subject of self-defence may be found in Article 8. The League is charged with the responsibility of submitting a practical scheme for the reduction of armaments and of supervising its execution. "The Council shall formulate plans for such reduction for the consideration and action of the several governments." Unfortunately the framers of the Covenant appear to have been undecided as to the basis upon which their standard of reduction should be assessed. They define this standard as "the lowest point consistent with national safety and the enforcement by common action of international obligations."[1] The second paragraph of Article 8 lays down that the Council in formulating the plan of reduction shall "take account of the geographical situation and circumstances of each State." It is therefore obvious that "national safety" refers to measures of self-defence against external foes, and not to the maintenance of internal law and order.

Here is an attempt to compromise, to square the circle, to combine as a basis for reduction two incompatible principles, namely, the old doctrine of absolute self-defence, enshrined in so many pre-war resolutions, and the alternative idea of a police function, "the enforcement by common action of international obligations."

It is clear that Article 8 bristles with ambiguities. Does it mean that each member of the League is still to be responsible for its "national safety" or that in the event of aggression it can absolutely rely upon the other members for assistance? If the "enforcement by common action" is forthcoming, to what extent will it materialise? Does it involve the employment of all the available forces at the disposal of members of the League, or is it to be restricted within certain limits defined by military and naval conventions? In short, how far, if at all, has the absolute right of self-defence been modified?

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[1] Article 8.

Article 8 supplies no answer to these vital questions. If its authors had contented themselves with fixing one basis as the standard of reduction in national armaments, namely, the police function, some progress might have been achieved.[1] If they had taken part in the pre-war discussions on the subject of defence, they might have realised that they were confusing two distinct issues and imposing an impossible task upon the League. They would have omitted all references to "national safety" and confined armaments to the lowest point consistent with the provision of sanctions for the new confederation and the security of its members.

The subsequent discussions on disarmament during the last ten years have clearly demonstrated that this ambiguous line of approach has met with no more success at Geneva than it did at The Hague. If the obligation of self-defence is still to be the deciding factor, it is impossible to induce any State to refrain from arming itself to the limit of its resources. In a matter of life and death, where its existence is at stake, it cannot afford to rely on half measures: its claim will be absolute. Disarmament schemes based upon an attempt to fix a ratio of the relative military and naval strengths to be allotted to the different nations are bound to fail because they presuppose that nations will still go to war, and that they cannot rely upon the other members of the League to come to their assistance against the aggressor. It would be just as reasonable to expect men in a mining camp, where there was no police force, to hand over their rifles and revolvers and rely upon their sticks and knives when they expected to be attacked by a band of marauders. This conception of relative strengths conflicts with the idea of "common action" contemplated, but not provided for, in Articles 8 and 16 of the Covenant. The reason is that self-defence in an absolute sense is opposed to the principle of mutual assistance.

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[1] "The League of Nations view of armaments is that their purpose is to keep the peace, to repress national and international crime, to maintain order within the State at home, and security against attack upon its frontiers from abroad. . . . If it were logically applied, it would lead to a very different result."—Baker, *Disarmament*, p. 250.

Consequently it follows that unless the League is to become discredited and the Covenant is to be treated as a "scrap of paper" the ambiguities and uncertainties contained in Articles 8 and 16 must be dispelled.

VII

The Factor of Uncertainty

IT is probably true that the most certain thing about human affairs is their uncertainty, but this is no reason why every attempt should not be made to reduce this element to its smallest proportions in the sphere of international relationships. Uncertainty breeds fear and suspicion. It is one of the factors which helps to precipitate war, and recent history provides a terrible example.[1] The opinion has been expressed in authoritative quarters that if the Central Powers had realised at the outset that the British Empire would throw itself into the struggle, they would have called a halt in the negotiations with Serbia.[2] The ultimatum would never have been despatched, and the outbreak of the Great War might have been prevented, or at any rate postponed. When the crisis arrived no one knew what course the British Government would take. It was necessarily dictated by circumstances and conditions which changed from day to day. The uncertainty lasted to within a few hours of the opening of hostilities when the die had already been cast. It was too late to draw back. The military time-tables, elaborately prepared years in advance, were in full operation: the military machines were well under way.[1] To interfere with these time-tables might make all the difference between victory and defeat.[2]

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[1] For a summary of the events immediately preceding the outbreak of war in August 1914 see Appendix G.

[2] "One confession I must make . . . that I believed also that England, when faced with the final decision, would study the peace of the world before its own friendships."—Th. von Bethmann-Hollweg, *Reflections on the World War*, p. 126.

The cycle of events leading up to the Great War clearly shows that no one can be blamed for this uncertainty.[3] It was inevitable. It was part and parcel of the international system.[4] Each State was a law unto itself. The decisions to participate in the war or to hold aloof were purely arbitrary: they did not depend upon any judicial edict or process of international law. The prejudices, idiosyncrasies and characters of the rulers, the passions, fears and patriotism of the peoples, were the decisive factors. These were all enveloped in uncertainty. The sacred right of self-defence was the chief consideration. It was invoked by all the combatants. Each one felt constrained to don his "shining armour."

Let us contrast this state of affairs with the "enforcement by common action" foreshadowed by Article 8. "Common action" in this sense means the use of force, in other words, war. But it is a police action. It presupposes some kind of organisation if the forces at the disposal of the international authority are to act promptly. This, in turn, involves a programme and a time-table prepared in advance which conforms with clearly defined rules and regulations embodied in the code of international law. Thus the element of uncertainty is reduced to a minimum. "Common action," expressed in terms of a police force, becomes automatic, certain in its execution and subservient to the claims of justice.

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[1] "With Germany mobilisation was . . . the last, and not the first word. The mechanism was so arranged that precaution and preparations were always taken and made. Mobilisation was the word, and it was followed immediately by the blow."—Viscount Grey, *Twenty-Five Years*, Vol. I, p. 331.

[2] "What was it that finally swept all Europe into war? It was the military time-table. No sooner did Austria-Hungary begin to mobilise in support of her ultimatum to Serbia than the Russian General Staff felt bound to do the same, in order not to be caught at a disadvantage if the struggle spread. And no sooner did Russia begin to mobilise than Germany felt she must do so also, for the plans of the German General Staff in the event of a European War were based upon the capacity of the German Army to mobilise a few days faster than the French army, and to crush it before the Russians could take the field. . . . It was the terrible military time-table . . . which made it almost impossible to stop the war once the first fatal step of mobilisation had been taken."—Kerr, *The Prevention of War*, p. 24.

[3] See Appendix G.

[4] "Conditions . . . made it impossible for British and German minds to have real contact."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 50.

To achieve this result it is obvious that "absolutism" must be ruled out, and the implications of "national safety" disappear from Article 8. Until all the members of the League combine to repel the aggressor and are willing to create a joint force for this purpose, it can never function effectively. It may even serve as a stalking horse for an unscrupulous nation bent upon aggrandisement or hegemony.

VIII

Self-Defence and Armaments

WHAT is the connection between the absolute right of self-defence and the problem of disarmament? Why was it that all disarmament schemes adumbrated during the Nineteenth Century failed to mature, and that when the cause of peace appeared to be gaining ground during the era of the Hague Conferences no appreciable progress was made in the campaign for disarmament? The answer is simple. All these schemes came to grief on the rock of self-defence. Numerous resolutions were passed by peace congresses, legislative assemblies, religious bodies, commercial and labour organisations explicitly condemning the expenditure on armaments,[1] but in spite of these protests armaments continued to increase at an accelerated rate. Some of these resolutions, whilst urging reduction, qualified their demands by limiting its extent to the armaments necessary for the defence of their country, whilst others implied their total abolition. The majority of sane people in most countries admitted that expenditure on armaments was foolish, that it placed a great strain upon their economic resources and that it would probably lead to a new war. On the other hand, they argued that it was imperative to maintain the defence of their country at the highest pitch of efficiency. When asked what forces were required for this purpose, they could suggest no standard or measurement. In the nature of things, it was impossible to create any standard. At the best it could only be a shifting one depending upon the degree of war preparation presumed to be going on in other countries. Great Britain, anxious for her supremacy on the sea, endeavoured to set up a Two Power Standard for her navy,[1] but even this attempt has been found to be impracticable.

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[1] "In the opinion of this meeting the enormous armaments with which the Governments of Europe oppress the nations are an outrage on reason and a scandal to civilisation: that so far from being, as is pretended, a security for peace they are perpetual provocations to war."—Resolution of the 1875 Annual Public Meeting of the Peace Society: *Herald of Peace*, 1875, p. 250.

The truth is that in order to limit the forces required for the exigencies of self-defence there was no real test, no principle, no formula and no standard to serve as a guide. Consequently all the attempts to achieve disarmament never passed beyond the stage of academic discussion. The military and naval hierarchies in every European country urged their respective governments to redouble their efforts in the armament race. The national exchequers were drained to produce battleships, guns, ammunition and new weapons of every description, whilst the number of armed men was constantly being increased. These demands upon the treasuries of every country were always put forward in the sacred name of self-defence. Even in the most militaristic countries the peoples were spurred on to still greater and more intensive preparations for the ostensible purpose of defending their fatherlands.

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[1] The "Two Power Standard" was the British reply to the German Navy Bills of 1897 and 1900, representing the British ideal of a navy equal to the second and third most powerful navies combined. It was maintained till March 1920, when Great Britain "made the revolutionary announcement that she would henceforth be content with a one power instead of a two power standard—a navy as large as, but no larger than, that of any other single power."—Buell, *The Washington Conference*, p. 142; *Commons Debates*, March 17th, 1920, 5th Series, Vol. 126, Cols. 2300–2301.

All nations participated in this propaganda in varying degrees. The exploitation of self-defence, however, was used for the furtherance of other policies far removed from the avowed objective. On this slippery slope it was easy to slide from defence to the presumed moral obligation resting upon powerful States of carrying their particular brand of civilisation to the remotest parts of the earth, if necessary by force of arms.[1] The power and prestige of a nation depended on the size of its armaments, representing its defensive accoutrements.[2] It never possessed weapons of offence.[3] Japan, emerging from the isolation of centuries, was quick to recognise this sinister fact in the international politics of Europe, and was not slow to follow the example.[1] The defence propaganda, fomented by the Press and stimulated by patriotic leagues and societies,[2] produced a rich harvest to fill the already overflowing coffers of the armament firms. These diligent disciples of peace preached the doctrine of self-defence in many insidious ways as the only possible means of ensuring a warless world. These ardent internationalists were prepared to sell their secrets and designs to the War Offices and Admiralties of every country.[3] Their patriotism knew no bounds. They did not confine their advice and protestations to any one nation or group; they sold their wares in a world market. One after another the nations must be scared into adopting new armament programmes involving high expenditures. It mattered not that Englishmen or Frenchmen produced weapons which would afterwards be used to shoot down their own compatriots in some quarter of the globe.[4]

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[1] "The object of military training should be . . . to seek imperial power, not with a view to a universal despotic authority, but for the benefit of the subjects whom we rule."—Aristotle, *Politics*, Book IV, chap. XIV, trans. J. E. C. Welldon, p. 207.

"A third motive for imperial expansion . . . is the zeal for propaganda: the eagerness of virile peoples to propagate the religious and political ideas which they have adopted. But this is only another way of saying that nations are impelled upon the imperial career by the desire to extend the influence of their conception of civilisation, their Kultur. In one form or another this motive has always been present."—Ramsay Muir, *The Expansion of Europe*, p. 7.

[2] "The second view of the purpose of armaments . . . is that armaments serve not only to make a nation safe but also to promote its wealth, prestige and power."—Baker, *Disarmament*, pp. 249–250. "Under this light armaments appear to us as instruments of policy. They are, indeed, the most important instruments of policy."—Madariaga, *Disarmament*, p. 51.

[3] "The American . . . is unwilling to agree not to use a powerful weapon of war when he knows that an outlaw nation would use it against him if that outlaw nation could achieve success by so doing. How much better it is to say to the world that we are going to use chemical warfare to the greatest extent possible in any future struggle. In announcing that, we would repeat as always that we are making these preparations only for defence, and who is there who dares question our right to do so?"—Brig.-Gen. A. A. Fries and Major C. J. West, *Chemical Warfare*, pp. 438–439.

The propaganda of self-defence brought prosperity to the armament firms, and the more prosperous they became the greater were the opportunities for engaging in a remorseless campaign setting nation against nation and kingdom against kingdom, each State outrivalling its neighbour in the profligacy of its offerings to the deity of self-defence. Pastmasters in the arts of bribery and corruption, it is not surprising that in many instances rulers and their officials became the dupes of this most powerful and unscrupulous international fraternity.[1]

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[1] "A Japanese in England, finding himself and his nation to be objects of admiration, reflected thus upon the course of events: 'Yes,' he said, 'we used to be a nation of artists; our art was really very good: you called us barbarians then. Now our art is not so good as it was, but we have learnt how to kill, and you say we are civilized.'"—Viscount Grey, *Twenty-Five Years*, Vol. I, p. 57.

[2] The British Navy League has as one of its objects "to enlist, on national grounds, the support of all classes in maintaining the fleet at the requisite standard of strength, and to denounce any shortcomings in this respect."—*Navy League Annual*, 1910–1911, p. 302.

[3] See G. H. Perris' *The War Traders*, p. 57 *et seq.*

[4] "And that gallant British lad, dying in the solitude of a forgotten frontier, with the faith of the flag on his lips—what would he say if he understood."—*Id.*, p. 56. On April 18th, 1914, Mr. Falkner, a director of Armstrong, Whitworth & Company, urged his shareholders to "look upon the firm as equipping the police of the world. The ultimate appeal for all order was force, and a great armament firm furnished the means for the suppression of disorder."—*Id.*, p. 101. "At the very moment when that director used these words his firm were making armaments for Turkey. Just twelve months later the armaments provided by them . . . were inflicting upon the chosen flower of the Empire the hellish holocaust of Anzac."—Baker, *Disarmament*, p. 304.

Since the war armament firms have been compelled to divert their capital and energies into the manufacture of peaceful products. May they long continue to do so. But if the armament race is renewed, they will once again mount the good old charger of self-defence and, careering round the world, will hasten the advent of a new and more terrible conflagration. On the other hand, if the League is invested with sanctions, the armament market will be restricted to the smallest dimensions, and those firms which in pre-war days turned out killing machines by the thousand will have to be content to apply themselves to the industries of peace.

The result of the defence propaganda was that all the nations entering the war were profoundly convinced that they were engaging in a struggle of self-defence. John Bull said, " If France and Russia are overwhelmed, it will be my turn next." Three years later Uncle Sam reached the same conclusion. Who was the defender ? Obviously it was impossible that both sides could substantiate a claim to this sacred rôle, but as no international organisation existed to compel the appearance of the parties and to pronounce a clear and unmistakable decision, the issue went by default. The historians of the future will endeavour to disentangle the knotted skein, to apportion the guilt and fix the blame, but there will be no unanimous verdict. For years past men in all countries had proclaimed that war was inevitable. Why was it inevitable? Because national policies had dictated bloated armaments, and the existence of colossal armaments had dictated defensive policies; a vicious circle. Policies and armaments went hand in hand until they became indistinguishable as cause and effect.[1]

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[1] " It is blatant, open, and obvious, in fact it is a platitude : ARMAMENT FIRMS ARE INTERESTED IN FOSTERING A STATE OF AFFAIRS WHICH WILL INCREASE THE DEMAND FOR ARMAMENTS."—Madariaga, *Disarmament*, p. 9. Cf. Perris, *The War Traders*, pp. 62–161. " There is not a feud, or the possibility of a feud, but these tradesmen are at hand to egg on the rival adventurers and to 'equip' them with the latest instruments of the science and art of wholesale homicide."—*Id.*, p. 165.

If this diagnosis is correct, it follows that no nation can be entirely absolved.[2] They were all victims of the international system. And until this system has been radically altered, there can be no progress in the prevention of war.

IX

The Offensive-Defensive

THERE is the further question as to whether a nation is justified in waging a defensive war by assuming the offensive in order to forestall certain preparations which it knows its opponent is about to make.[3] It is clear that the policy of amassing armaments, pursued at an accelerated rate since 1860, may be regarded in the light of an offensive-defensive series of operations. Germany justified her offensive in 1914 on the ground that if she had waited any longer she would have lost certain advantages in the defensive war which she was bound to wage sooner or later. Viscount Grey observes that "in this aspect German militarism would still seem to have made the war in 1914, but its case for doing so would be stated thus. Europe had become an armed camp. The burden of armaments was becoming an intolerable strain, which must end in war. And did not the piling up of armaments imply that force was the only thing that counted among nations? War was therefore inevitable. It was not reasonable that Germany, who was at the height of her military power, with her maximum of men and equipment and perfection of strategic railways to the frontiers of other countries, should wait till her neighbours, more particularly Russia, had increased the size and efficiency of their armies and perfected their strategic railways. If war was really inevitable, surely a patriotic German was entitled to choose for war the year and the moment that best suited Germany. Their case, in short, for making war is, as Germans themselves put it, that it was an offensive-defensive war."[1]

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[1] "It is necessary to nail to the counter the fallacy of *si vis pacem para bellum.* Nail it and nail it again. Its vitality is incredible." "Preparedness leads . . . to increasing causes of friction and possibilities of war."—Madariaga, *Disarmament*, pp. 11–13.

"Is it unfair to conclude that it is truer to-day . . . to say that policy follows armaments, rather than that armaments follow policy?"—Baker, *Disarmament*, p. 21.

[2] "Militarism and the armaments inseparable from it made war inevitable. Armaments were intended to produce a sense of security in each nation—that was the justification put forward in defence of them. What they really did was to produce fear in everybody. Fear causes suspicion and hatred . . . so it goes on, till the whole Continent is an armed camp."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 52. See also chap. VII, p. 269.

[3] "The statesman who, knowing his instrument to be ready, and seeing war inevitable, hesitates to strike first is guilty of a crime against his country."—Von der Goltz, quoted by Col. F. N. Maude, Introduction to Col. Graham's edition of Von Clausewitz, *On War*, p. vii.

Viewed from this standpoint, it is impossible to distinguish between the motives of attack and defence. Every fresh increase in the armed forces of one nation can only be regarded as a provocation by its neighbours.[2] If the provocation, e.g. a new shipbuilding programme, the expansion of an army or the adoption of a new weapon,[1] becomes sufficiently threatening, a pretext must be found to precipitate war.[2] Two examples illustrating this point will suffice. Germany launched her naval programme in 1897 ostensibly to defend her ports, colonies and mercantile marine.[3] By the British people this proceeding was regarded as a menace to their safety, the prelude of a German invasion. Consequently it was seriously argued in some quarters that the Government should find some pretext for going to war with Germany in order that the embryonic German fleet might be annihilated before it assumed dangerous proportions.[4] It was plausibly maintained that the safety of the country demanded this policy and that, having committed the German fleet to the bottom of the sea, there would no longer be any necessity for the British Government to spend millions of money on its fleet. At about the same time an agitation was launched in Great Britain with the object of increasing its army by the introduction of conscription.[1] This campaign could only be regarded by the Germans as a menace to their military position in Europe. Had the British Government proceeded with the proposal, there can be little doubt that Germany would have discovered an excuse of making war long before the project had materialised in order to forestall an attempt to place her at a disadvantage in the inevitable struggle.[2] In both these cases it is clear that, if war had developed, what would have appeared to be acts of aggression would really have been undertaken on grounds of defence, and the only authority who had taken this arbitrary decision would have been the nation which had engineered the war.

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[1] Viscount Grey, *Twenty-Five Years*, Vol. II, pp. 29–30.

[2] "Standing armies shall be abolished in course of time. For they are always threatening other States with war by appearing to be in constant readiness to fight. They incite the various States to out-rival one another in the number of their soldiers, and to this number no limit can be set. Now, since owing to the sums devoted to this purpose, peace at last becomes even more oppressive than a short war, these standing armies are themselves the cause of wars of aggression, undertaken in order to get rid of this burden."—Immanuel Kant, *Perpetual Peace*, trans. Smith, p. 110.

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[1] The incalculable advantage the possession of a modern weapon may give a nation is indicated in the important part played by the breech-loading rifle in securing the victory of Prussia in the Seven Weeks' War. At Sadowa the Prussian losses were less than half those of the Austrians, whose muzzle-loaders were slower in fire and exposed the firer during the reloading operation.—*E.B.*, 14th edition, Vol. xx, pp. 384–387.

[2] " Everyone, having no guarantee that he can avoid war, is anxious to begin it at the moment which suits his own interest and so forestall a neighbour, who would not fail to forestall the attack in his turn at any moment favourable to himself, so that many wars, even offensive wars, are rather in the nature of unjust precautions for the protection of the assailant's own possessions than a device for seizing those of others." —J. J. Rousseau, *A Lasting Peace through the Federation of Europe*, trans. Vaughan, pp. 78–79.

[3] " On November 27th (1897) . . . the Government brought out a new Navy Bill, which demanded the construction of seven additional ships of the line, of two large and seven small cruisers . . . and ensured the building in due time of the ships which were to take the place of out-of-date vessels. . . . The Bill set the fleet on an entirely new footing." —Prince Bülow, *Imperial Germany*, chap. I.

[4] It is interesting to note that Von Tirpitz recognised the " danger zone " of inferiority during which England might attack and destroy the growing German fleet in a preventive war.—Fay, *Origins of the World War*, Vol. I, p. 236. In 1904 in particular Germany was apprehensive that England was planning " to Copenhagen " the German fleet.—*Id.*, pp. 138–139.

It follows that the motives which impel a country to seek its salvation in armaments cannot be earmarked. There is no clear-cut dividing line between offensive and defensive preparations. They cannot be distinguished, and to attempt to do so is only to delude the public mind. The cry of self-defence, like so many other slogans, only expresses half the truth. In reality there are two forces operating in every nation. One may be described as imperialistic, striving for expansion and hegemony. It is represented by the jingoes, junkers and militarists who regard all preparation for war from the standpoint of the offensive. The other is the rationalist, working for law and non-intervention. It is represented in the main by democratic communities, the peoples as distinct from the castes, who though genuinely anxious for peace are nevertheless imbued with the theory of absolutism, and vote for armaments as a means of defence. The former—imperialism—masquerades in the disguise of self-defence until both these forces lose their identity in the naval and military budgets of their national parliaments. Both become the prey of armament firms, concession-hunters *et omne sui generis*, who are chiefly concerned to maintain a state of equilibrium between the hostile nations. The kettle must boil, the pot must simmer, but they must not be allowed to boil over and extinguish the fire. To these adventurers a state of acute tension between great powers, guerilla warfare on the frontiers and occasional encounters between the smaller States would bring more grist to the mill than a world war with its aftermath of stringency and bankruptcy. But ultimately these forces will run riot and get out of hand. They cannot be controlled by imperialists or pacifists, nor by statesmen or munition traders. There may be a pause of fifty or even a hundred years before the next violent explosion occurs, when the cumulative offensive-defensive is let loose upon a sanctionless world.

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[1] On December 2nd, 1905, it was announced that on account of his many public engagements in connection with his proposals for universal military service, Lord Roberts had resigned his position on the Committee of Imperial Defence.—*Annual Register*, 1905, Part II, p. 34. "Lord Roberts began to tour the country trying to arouse England to the creation of a huge army and the adoption of the Continental system of universal military service, naming Germany as the enemy of the future."—Fay, *Origins of the World War*, Vol. I, p. 295. See, too, Viscount Grey, *Twenty-Five Years*, Vol. II, p. 55.

[2] Cf. Viscount Grey, *Twenty-five Years*, Vol. II, p. 55.

What is the antidote? It can only be found in the reign of law, when the impulse of self-defence will find its rational expression in an international police force and imperialism will have been relegated to the scrap heap.[1]

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[1] "The thought of conquests will have to be given up from the absolute impossibility of making them. The aggressor is sure to find his way barred by forces stronger than his own; he is powerless to gain anything, and he risks the loss of all he has. At present an ambitious Prince, who wishes to extend his dominions in Europe, relies upon two weapons; he begins by securing strong allies, and then seeks to catch his enemy unawares. But under the new conditions, no special alliance could stand for a moment before the General Alliance, which is stronger and subsists permanently; and as there is no longer any pretext for arming, no Prince can do so without being at once detected, stopped and punished by the Federation always under arms."—Rousseau, *A Lasting Peace through the Federation of Europe*, trans. Vaughan, pp. 69–70.

X

Self-Defence and Alliances

THE motive of self-defence lies at the root of all military and naval alliances, and is proclaimed as the reason for concluding treaties embodying conditional or unconditional promises of assistance in the event of war. If a nation could secure the help of another nation against a potential enemy, it increased its defensive forces. The realisation of this fact gradually led to the grouping of the various powers in Europe, culminating in the theory of the Balance of Power. It was confidently asserted that by maintaining the forces of the respective groups on an approximately equal footing a state of equilibrium would be reached which would prevent either group from attacking the other. It was argued that the fear of the resulting catastrophe would act as a sufficient deterrent, and it required the costly experiment of the Great War to prove the fallacy of this doctrine. It was never pretended that the group-alliances or ententes had any ultimate object in view, beyond serving their own immediate interests. The idea of justice never entered their minds, and as sovereign States they recognised no law, human or divine.[1] Occasionally, it is true, several Powers joined together for the enforcement of a treaty and this sanction was recognised by international law.[2] It was, however,

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[1] "Militarism . . . held the contrary view . . . that peace can be secured, not by justice, not by desire for it, not by agreements, but only by armed force."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 51.

[2] "International Law has its sanction, its enforcement, though few know it. . . . On April the 15th, 1856, France, England and Austria bound themselves by treaty in the event of any of the Articles of the great Treaty of Paris of March 30th, 1856, being violated at the expense of Turkey, to oppose that violation with their entire naval and land forces. In 1907 Russia and England guaranteed Persia's territorial integrity; four other countries do the same for Norway in the same year, which means that whoever violates the said integrity gets into trouble with the guaranteeing Powers. It is the same with the neutralisation of Switzerland, Belgium and Luxembourg."—C. van Vollenhoven, *War Obviated*, p. 51. Further instances are cited.

"a sanction which no one dare trust,"[1] because its execution depended upon the arbitrary decisions of the contracting Powers and these were dictated by their interests, and not on any grounds of justice.

Even the purely defensive alliances fared little better. The treaties embodying the terms were often ambiguous in their phrasing, and astute diplomatists found no difficulty in evading their obligations when the crisis arrived if it suited their purpose to do so.[2] Consequently, this brand of self-defence could only be regarded as a poor substitute for one's own strong right arm, and any nation who set too much store upon alliances was apt to be sadly disillusioned.

The defection of Italy in 1914 from the Triple Alliance affords a recent example. Not only did she fail to come to the support of her Allies, Germany and Austria, but, consulting her own interests and tempted by the prospect of territorial acquisitions,[3] she afterwards deliberately turned the sword against her former friends. Here was a leap from a defensive pact to an offensive alliance with a vengeance, demonstrating how little reliance can be placed upon promises enshrined in the sanctity of defensive alliances.

How far has the existence of the League modified the pre-war conception of alliances and ententes? There can be little doubt that it has already produced a change. States-members which pay homage at this international shrine cannot at the same moment indulge in defensive pacts without some qualification that these treaties will only operate when the machinery of the League breaks down. In the opinion of these States, the League possesses no effective sanctions, and because they distrust the provisions of Article 16 they have concluded defensive alliances which are intended to operate in conjunction with the obligations attaching to the Covenant. In this light they may be regarded as supplementary sanctions. The Draft Treaty of Mutual Assistance was designed to regularise this procedure and to bring it within the framework of the League, whilst the regional pacts were inserted to reinforce the provisions of Article 16.

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[1] C. van Vollenhoven, *War Obviated*, p. 52.

[2] England and Portugal have been bound by treaties of amity and friendship since the fourteenth century, treaties which Portugal faithfully observed by entering the war in the Allied cause. By the Treaty of June 23rd, 1661, England had undertaken " to defend and protect all conquests or colonies belonging to the Crown of Portugal against all his enemies, as well future as present." Yet in 1825 Canning declared that the guarantee extended to the homeland of Portugal alone.—H. W. V. Temperley, *Foreign Policy of Canning*, p. 541. In 1873 the guarantee was renewed with no reference to the colonies, but in 1899 the secret declaration of October 14th (*British Documents on the Origins of the War*, Vol. I, p. 93) expressly affirms the article of the Treaty of 1661 previously quoted. In 1898 and 1913, however, Great Britain and Germany were in negotiation for the delimitation of spheres of influence in the Portuguese colonies in the event of Portugal losing them.—*Id.*, pp. 73 and 99; Brandenburg, *From Bismarck to the World War*, p. 466.

[3] See p. 181, note 1.

It will be seen that three points emerge from these proceedings. First, that generally speaking the new defensive pacts recognise the existence of an international authority,[1] and that in consequence they only operate in cases where the League provides no remedy or to enforce the decisions of the International Court and boards of arbitration; secondly, that the rights of absolute self-defence have thus been modified and, thirdly, that the existence of these treaties proves that members of the League are as yet unable to rely upon its existing sanctions for their security. It has already been pointed out that Article 8 of the Treaty of Locarno expressly states that the Treaty shall cease to operate when the League can afford "sufficient protection."

In the past alliances and ententes were concluded by friendly nations as a means of defence against nations presumed to be hostile. The value of these arrangements was assessed upon the number of battleships, guns, battalions and other warlike paraphernalia which each of the contracting nations could contribute to the common fund. No alliance was considered to be worth while unless it increased the joint forces at the disposal of the partners, and self-defence could only be expressed in terms of armaments.

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[1] Cf. the Political Agreement between France and Poland, February 19th, 1921, Section (1).

The Pact of Locarno is based on a new conception of international relationships. It is not an alliance in the old sense. It is not aimed at any particular nation or group. There is no attempt to differentiate between friends and foes. The common enemy is the aggressor, and the Pact represents a scheme of mutual insurance between Germany, France and Belgium against aggression, in which Great Britain and Italy play the part of guarantors. If the signature of the Covenant marked the end of the World War, the ratification of Locarno marks the beginning of peace in Europe. Five powers —Great Britain, Italy, Germany, France and Belgium —a few years previously locked in a desperate encounter, now join together on a footing of equality to define aggression, thus distinguishing between offensive and defensive warfare. They solemnly pledge their resources in advance to defend the victim of aggression, erstwhile friend or foe.[1] They also recognise the rôle of the international authority, the League, within whose sphere these arrangements are designed and whose machinery is to be used for their execution.

Here is a pact conceived on the basis of law, justice and sanctions. Interests recede into the background. In future, notwithstanding her inability to appear in "shining armour," Germany can summon to her aid the forces of Italy and Great Britain to repel a sudden onslaught upon her territories by France or Belgium.

What a change in values in comparison with the treaties of the past! What has become of the doctrine of reciprocity in self-defence, of the Balance of Power and all the old formulæ which in pre-war days governed the policies of the chancelleries of Europe? For the moment, at least, they have been discarded and the claims of justice have been recognised. Will the shibboleths of the past reappear in a new guise? Not unless the members of the League fail to endow it with "sufficient protection" and are unwilling to modify their absolute rights of self-defence by submitting to a drastic scheme of disarmament. These are the implications of Locarno, which can only find their logical expression in the creation of an international police force.

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[1] Annex A to the Locarno Final Protocol, October 16th, 1925, Article IV (3).

XI

Self-Defence and Military Training

THE absolutism of self-defence manifests itself in varying degrees in the systems of military training which operate in every country and influence the national mind in its attitude to international relationships. Patriotism and the idea of self-defence are inextricably joined together, with the result that the armed forces of the State are invested with a peculiar veneration. It is a curious fact that no other profession, not even the medical or police, upon whose constancy and diligence the lives, property and security of citizens so often depend, is able to evoke this semi-religious homage. In Continental countries the defence of the State is prescribed as a responsibility resting upon every citizen for which he must be trained for a period which has varied from one to three years.[1] Conscription expresses the idea of defence in its most absolute form as a primary duty which every man owes to the State. So sacred is this obligation that it cannot be transferred to the shoulders of other persons whose temperament and training specially fit them for this profession. The vicarious principle, applied universally to policing systems, and in Anglo-Saxon countries to military establishments, finds little support in Europe.[1] Consequently Continental populations find themselves hopelessly compromised in the evolutions of the military machines and always on the grounds of national defence. In Britain and America, possibly owing to their geographical positions and the reliance which the former has always placed upon its navy as the first line of defence, the pressure of absolutism in military training has been far less acute. Except in the critical situation produced in the World War, conscription has always been rejected, and there is no compulsory training in arms. In addition to the territorial and militia forces, these States rely upon voluntary armies and navies, enlisted for and trained over long periods, for the defence of their shores. It does not necessarily follow that the nations which adopt this system are less patriotic than their neighbours which prefer the conscriptive method. On the contrary, as the war proved, when the crisis came they equally responded to the call of duty. Nevertheless, it is believed that the absence of conscription tends to make a nation less militaristic in its outlook and, in any case, it means that the idea of self-defence is less absolute than in those countries where every man is compelled to serve with the Colours. If the theory of absolutism was applied to its utmost limits, every citizen capable of bearing arms would be retained on the active strength until he was too old to serve and would spend his leisure in the pursuit of warlike exercises until old age forced him to retire. Only amongst savage tribes does this degree of absolutism still survive.

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[1] The French period of service has since the war been reduced on three occasions, first from three to two years, then in 1922 to eighteen months and finally in 1928–1929 to one year.—Buell, *The Washington Conference*, p. 204; *Statesman's Year Book*, 1929, p. 858. In 1926 the Belgian period of service for infantry was reduced from twelve to ten months.—*Armaments Year Book*, 1925–1926, p. 63, and 1926–1927, p. 47.

But whatever the laws or systems regulating military training may be, there exists in all countries the implied responsibility of every citizen to rally to its defence when the occasion demands his assistance. It has already been pointed out that he owes a similar duty, defined and recognised by law, of helping to suppress crime and of assisting the police in the execution of their duties.[1] But the duty of defending his own life and property, of protecting his neighbours from violence, of assisting to suppress riot and tumult and of maintaining the majesty of the law—all of which may be of vital importance—is regarded in a purely relative and not in an absolute sense. Men are not compelled, neither are they expected, to undergo a systematic training in police duties, to become experts in the use of batons, sabres, revolvers and other police weapons. The obligation to assist in maintaining law and order is clear and unmistakable, but it is only on rare occasions that private persons are called upon to undertake this duty. This function has been relegated to the constabularies, composed of specially selected persons appointed and paid by the rest of the community to undertake this important task.

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[1] The armies of twenty-two of the twenty-eight European Powers are recruited in whole or in part by conscription. The only exceptions are, in addition to Germany, Austria, Hungary and Bulgaria (where conscription was prohibited by the Peace Treaties), Great Britain and Luxembourg.

Why has the same system not been applied to the policing of nations? If the rules regulating the administration of sanctions in municipal law have proved to be practical, why are they not adapted to the requirements of international law? The answer is obvious. Because nations still cling to the rights of absolutism, they prefer to put their trust in their national systems of self-defence rather than to co-ordinate their policing activities through the creation of an international force.

How long will the present regime continue? Until the individuals composing those nations which have signed the Covenant are willing to recognise their obligations to the League, and it is realised that the duty of self-defence is not confined to supporting the police forces of one's own country or even to defending its frontiers, but that it also embraces the protection of the international authority.[1] When the significance of this truth has penetrated the minds of men, they will be as ready to uphold the claims of international justice as they are now to vindicate the supremacy of the civil law. If they are ever called upon to participate in a future war, they will have the satisfaction of knowing —unless they belong to the aggressor nation—that they are fighting for the sacred cause of justice and bearing aloft the standard of reason.

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[1] See chap. IV, p. 167.

XII

Conclusion

IT follows that under the new dispensation every individual in a civilised community will be under a three-fold obligation, namely, to assist in executing the laws of his own country, to defend its frontiers against the aggressor, and to enforce the code of international law. Two of these responsibilities have already been assumed, and the third will be recognised when sanctions have been organised by the international authority. As a consequence, the implications of self-defence are no longer restricted to the protection of the individual and the State. They include the mutual protection of all States which join together for this purpose. It follows that, just as individuals no longer consider it necessary to train themselves in the arts of self-defence nor even to qualify themselves for police duties, the nations will gradually cease to drill and march their citizens. Military training will have become a relative consideration and, regarded as a police function, it will have lost much of its glamour and attraction.

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[1] "The service of the world State calls for much more than passive resistance to belligerent authorities, for much more than exemplary martyrdoms. It calls for the greater effort of active interference with mischievous men. 'I will believe in the League of Nations,' one man has written, 'when men will fight for it.' For this League of Nations at Geneva, this little corner of Balfourian jobs and gentility, no man would dream of fighting, but for the great State of mankind, men will presently be very ready to fight, and as the thing may go, either to kill or die."—H. G. Wells, *The Salvaging of Civilisation*, pp. 40–41.

As the need for national armies and navies on a huge scale disappears, the policy of devolving the duties of defence will be increasingly applied. Nations will be content to reorganise their military establishments on a voluntary basis, and conscription will be discarded, when democracies realise that this species of bondage can with safety be dispensed with.

There are signs which already point in this direction. The Boy Scout Movement,[1] for example, is imbued with the idea of co-operation. It has made its appeal to the youth of all nations. It has already grown into an international organisation which recognises the common bonds uniting all races in an atmosphere of comradeship. There is no place for prejudice or hostility to the foreigner in this crusade. The Scout Law binds together this international community of good fellowship. Its members are unarmed, and the creed of self-defence finds no expression or ritual in this association. It is not suggested for a moment that these boys have repudiated the obligations they owe to their respective countries. It simply means that they have accorded to self-defence the relativity which is its due. They do not glorify, exalt or worship this fetish as is the traditional rule in so many public schools and universities.

There are other international movements, especially in the economic sphere, which also tend to promote the growing consciousness of unity amongst nations, and they will all assist in exorcising the spirit of absolutism. But the impulse of self-defence is a natural and healthy instinct which will survive as long as the human race exists. It is no longer the dominating motive in man, moulding all his actions and relationships, as it was in by-gone days. Experience has altered its bearings, modified its application and directed it into new channels. Slowly but surely the growth of knowledge and education, in its broadest sense, the increasing economic interdependence of nations—which grows apace in spite of tariff barriers, that species of self-defence applied to industry and commerce—and a recognition of the futility of war, coupled with a dread of the unknown developments of the future, will make still further inroads into the kingdom of absolutism. Gradually the relativity of its frontiers in the realm of human affairs will be recognised, and nations, like individuals, will be willing to modify their rights of defence within the limits laid down by international law and dictated by the principles of justice.

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[1] " This is one method by which the young men whom we hope will one day take a prominent part in the affairs of their various countries may be encouraged to respect and honour each other and help in the uplift of the human race generally. There is a scope for many such organisations which would have as their object the cultivation of high ideals of a similar nature."—The Hon. W. Marr, September 11th, 1929 *Records of Tenth Assembly, Plenary Meetings*, p. 102.

CHAPTER VII

COMPETITION

"Singing—'Let us rejoice in the light
Of our glory, and beauty, and might;
Let us follow our own devices, and foster our own desires,
As firm as our oaks in our pride, as our cedars fair in our sight,
We stand like the trees of the forest that brave the frosts and the fires!'

. . . . .

"Crying—'God! we have sinn'd, we have sinn'd,
We are bruised, we are shorn, we are thinn'd,
Our strength is turned to derision, our pride laid low in the dust.
Our cedars are cleft by Thy lightnings, our oaks are strew'd by Thy wind,
And we fall on our faces seeking Thine aid, though Thy wrath is just.'"

A. LINDSAY GORDON.

I

Competition in Nature

THE elementary instinct of competition, expressing itself in countless ways, is a factor which enters into every phase of life. Its crudest form is manifested in nature in the struggle for existence, culminating in the survival of the fittest. In the realm of biology the competitive impulse is the most potent force, ruthlessly weeding out the weak and inefficient with its sanction of tooth and claw. It is the law of the jungle, applying to every species of insect, plant or animal. It represents Nature's process of selection, and appears to move upon a purely materialistic plane.

When, however, man comes upon the scene the competitive system is subjected to the test of reason, and undergoes considerable modifications. Trees growing together in their natural state on the same hillside compete with each other for sunlight and air. The virile trees shoot upwards, overshadowing their companions, which eventually wither and die. When the arboriculturist lays out a plantation he plants the trees at intervals, giving each the space required for its growth, whilst periodically he removes the poor and stunted trees. Male animals in their wild state compete indiscriminately for the right of reproduction, whilst in a state of domesticity they are compelled to bow to the will of man, who substitutes other methods of selection. The competition amongst wild stags may culminate in a gory battle on the moor, whilst the fate of the bull is decided in the show-ring.

Thus it is clear that the processes of competition designed by Nature, even in the animal kingdom, are not necessarily productive of the best results and that reason, as applied by man and corrected by experience, is able to improve upon these methods. The extraordinary results of scientific breeding in plants and animals obtained in various quarters of the globe during the past fifty years are a striking proof of this achievement. The competitive factor remains, but its application has been completely changed and modified. Nature's handiwork has been supplemented by methods superimposed by man : it has been diverted into new channels through the application of human intelligence. There is no conflict between the two systems because they are both derived from the same source. If the Great Architect of the universe designed the citadel of Nature, he also created man in his own image and, endowing him with reason, ordained that he should use it to perfect this stately edifice.

II

Competition in the State

IN human affairs the interpretation of the elementary doctrine of the survival of the fittest as applied to individuals has long since been discarded, except in the most savage and barbaric communities. Competition in its crudest and most primitive forms, the right to kill, to rob and to rape,[1] has either been entirely abolished or drastically modified. Codes of law defining the rights of individuals in relation to each other and enforced by sanctions have prescribed the conditions under which competition is to be carried on and in what spheres it is to be intensified, modified or completely eliminated.

Competition is the foundation of the social system, representing one of the most powerful factors in its progress. In the realm of sport and athletics it is universally adopted as a means of healthy recreation, stimulating the development of character, cultivating mental and physical well-being and, in its purest form, producing a spirit of comradeship which even in rivalry and defeat cannot be impaired. As applied to education and all forms of training, competition is employed as the method of selection by which efficiency is recognised and merit rewarded. In its relation to all forms of social and public activities, often culminating in disputes involving individuals or groups, competition is curbed by the existence of law courts and police. If it oversteps the boundary of the law, it is restrained by these agencies. In the departments of commerce and economics it stimulates enterprise and initiative. It extinguishes obsolete and badly-managed concerns and tends to reduce the cost of production, enabling commodities to be sold at reasonable prices, whilst it assists in preventing individuals or groups from making excessive profits.

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[1] "Whatsoever therefore is consequent to a time of war, where every man is enemy to every man; the same is consequent to the time wherein men live without other security than that which their own strength and their own invention shall furnish them withal. In such condition there is no place for industry because the fruit thereof is uncertain; and consequently no culture of the earth; no navigation nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear and danger of violent death; and the life of man, solitary, poor, nasty, brutish and short."—Hobbes, *Leviathan*, I, XIII.

It is opposed to the new system erroneously described as the "rationalisation of industry" which, through the creation of trusts, combines and monopolies, seeks to maintain prices at a high level at the expense of the whole community. It is said of the Emperor Charles IV that he "legalised anarchy and called it a constitution."[1] In these days politicians and financiers vie with each other in legalising robbery and calling it rationalisation.

But even in the domain of economics the competitive system has been compelled to undergo modification. The policy of undiluted *laissez-faire*, dominating the conceptions and actions of statesmen during the nineteenth century, was forced to give ground to other considerations affecting the social condition of the people. As a consequence a more humane element was introduced into the competition between capital and labour, which has found its embodiment in the social legislation of the last seventy years,[2] and between the buyer and the seller in the Food and Drugs Acts of more recent times.[3]

In the political arena competition is expressed in the struggles of organised parties for power, which reach the highest pitch of intensity during the progress of electoral campaigns. Each party competes for the votes of the electors under certain well-defined rules and conditions embodied in law. As a result, in most democratic countries the will of the people is able to express itself freely through this competitive system, which places each political party on terms of equality and helps to diminish, though not entirely to banish, corrupt practices and other forms of insidious political pressure. In other cases, for example in Russia and Italy, where political competition is suppressed, the people are excluded from expressing their opinions and participating in the government of the State.

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[1] Viscount Bryce, *The Holy Roman Empire*, c. XIV.

[2] An outstanding example of this social legislation is the series of Factory Acts of Great Britain, enacted between 1878 and 1900. In their consolidated form in the Factory and Workshops Act, they form a comprehensive code of 163 sections. The policy of the Acts has been carried further in Rules made in virtue of powers conferred by them.

[3] These Acts were enacted in the period between 1875 and 1927 and are to be found in a consolidated form in the Food and Drugs (Adulteration) Act of 1928.

It is clear that all these various departments of human activity are affected in greater or less degree by the element of competition, and that this natural, sound and healthy impulse has been in the past and still is a potent force in the life of every community. Only in exceptional circumstances can it be entirely dispensed with, but in every instance it has suffered modifications dictated by reason and experience.

III

International Competition

WHAT a contrast to the affairs of nations in their relationships to each other! In the international jungle competition, unmodified, unrestricted and unrestrained, with its sanctions of tooth and claw, blood and iron, is still the rule. The struggle for existence or for prey dominates the situation in this remorseless rivalry. Necessity knows no law in this wild stampede for mastery and aggrandisement masquerading under the cloak of sovereignty. The voice of reason, that divine gift so clear and resonant in other spheres, is dumb and mute amidst the roars and whines which greet the ear from all quarters of the international forest. Man subdues the animal kingdom. He even improves the processes of Nature. In the organism of the State he contrives to establish the reign of law: he circumscribes the competition of individuals within well-defined limits. But in the international sphere he is helpless: he reverts to the status of the animal, a thousand times more dangerous and terrible because he has disguised himself in the garb of science and civilisation.

Competition between States is displayed in various ways. It reaches its climax when war is declared and nations engage in mortal combat, but it is by no means confined to a condition of belligerency. The same forces, in a less obtrusive form and masked in various disguises, operate just as surely though less conspicuously in time of peace. To the militarists in every country periods of peace are only pauses for recuperation: they constitute breathing spaces preparatory to the next onslaught. The sovereign beasts fight. Some are badly mauled and crippled. Others, gorged with their prey, are incapable of further action. Bleeding from their wounds, fatigued and impoverished, all demand rest in order to replenish their depleted resources in preparation for the ensuing encounter. Thus at the conclusion of all great wars there comes a period of reaction when the mad folly and futility of the whole business are realised. This is the season of penitence and promises of good behaviour for the future. The instinct of competition, unbridled and unlicensed, is now at its lowest ebb. It strays away from the armed camps and reappears in the avocations of peace, especially in the domain of economics. Lessons are to be learnt from the last war which must be applied in the preparation for the next. Restrictive regulations of various kinds must be enforced against foreigners; passport rules must be tightened, embarrassing the passage of travellers between one country and another; customs dues must be increased; industries safeguarded and militarised in order that in future they may be placed on a war footing with the least possible delay; tariff barriers must be erected or strengthened to exclude the produce of other nations, thus increasing unemployment, upsetting the exchanges and generally retarding the process of recuperation.

IV

Key Industries

THE Great War engendered a new species of competition. The scientists and researchers were mobilised in every country to transform the arts of peace into engines of war. Thus almost every industry in a greater or less degree was harnessed to the military machine. So vast and complex was the network of destruction that every male and the majority of females played some part in the prosecution of hostilities. Standing armies, the spearheads of international competition, were reinforced by the entire populations of their respective countries. Munition centres sprang up like mushrooms. The energies of those engaged in agriculture, shipping, railways, chemical factories, educational establishments and even menageries[1] were all diverted into this channel. Nothing escaped the brand of Cain, and the rationing system converted each country into a besieged city. Never before has the partnership between war and industry been so unmistakable and complete. When this fact was partially realised an attempt was made to distinguish between industries whose products were essential to the conduct of war and those which stood outside this sacred circle. The former were described as " Key Industries " : they were supposed to unlock the door of victory. The politicians then discovered that the attempt to apply this distinction between war and peace industries was an impossible feat. They were compelled to recognise the fact that almost every department of production could lay claim to this distinction. War cannot be carried on without food for soldiers and civilians. Consequently, the agriculturist must be subsidised to increase the production of corn,[2] livestock, sugar[3] and other commodities. War cannot be waged without chemicals: the dye and allied industries must receive financial assistance.[1] War consumes vast quantities of timber: governments must spend large sums on uneconomic schemes of afforestation.[2] War makes big demands upon the heavy industries: the manufacture of iron and steel must be safeguarded at all costs. War involves the use of aeroplanes: civil aviation must be subsidised.[3] War requires oil as a fuel for its battleships: governments must control oilfields and ensure an adequate supply.[4]

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[1] Sea lions were used for tracking submarines, being taught to report any unusual vibrations under water by coming to the surface and barking. Cf. E. G. Boulenger, *A Naturalist at the Zoo*, p. 66.

[2] By Part I of the Agriculture Act of 1920 new basic figures were fixed for a bounty on the production of corn. In the following year, however, the policy of the Corn Production Act was revoked because of the gigantic cost to the State, " variously computed from £15,000,000 to £35,000,000." —*Commons Debates*, July 4th, 1921, 5th Series, Vol. 144, Col. 65.

[3] The Beet Sugar (Subsidy) Act of 1925 provided subsidies in respect of sugar and molasses manufactured in Great Britain during a period of ten years from October 1st, 1924, from beet grown therein. To March 31st, 1929, grants to the extent of £12,875,858 had been made.—*Finance Accounts of the United Kingdom for the Year Ending March 31st, 1927*, etc.

These are only a few examples of the industries which have now been enveloped in the new competition. There are also a number of others which can lay claim to be regarded as "keys." In fact, there are so many that this erroneous description has now been discarded.

Three points may be noted in this connection. The recognition of the vital importance of industry in war has greatly stimulated the international economic competition which has always expressed itself in terms of tariffs, subsidies, "safeguarding," and other forms of protection. The resources of the national exchequers were unequal to the task of producing subsidies to meet all the new demands, although taxation had reached its highest point in the memory of man. For instance, in Great Britain the repeal of the Agriculture Act (1920) in the following year affords a striking illustration.[1]

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[1] Between 1914 and 1924 the British Government granted £2,005,751 as capital for the development of dyestuff production in Great Britain, of which £1,700,001 was invested in British Dyestuffs Corporation. This holding was disposed of in March 1926 for £600,000.—Sir P. Cunliffe Lister, March 19th, 1929, *Commons Debates*, 5th Series, Vol. 226, Col. 1577.

[2] To promote afforestation and the production of timber there was created by the Forestry Act, 1919, a Forestry Commission. To March 31st, 1929, grants to the Forestry Commission had been made to the amount of £3,180,000.—*Finance Accounts of the United Kingdom for the Year Ending March 31st, 1920*, etc.

[3] In December 1923 an agreement was concluded between the President of the Air Council and the British, Foreign and Colonial Corporation Ltd. under which a new Company—Imperial Airways Ltd.—was to be formed and to be subsidised by the Air Council for the first ten years of its existence by amounts which were to be gradually reduced after the fourth year, but which amounted to a total of £1,000,000. Subsequently other subsidies have been granted. The sum of £3,446,200 has been paid, or is under the various agreements payable by March 31st, 1939, to the Company.—See *Commons Debates*, 5th Series, Vol. 227, Cols. 1080 and 1551, and Cmd. 3143.

[4] The British Government has acquired shares in the Anglo-Persian Oil Company which give it a controlling interest over the affairs of the concern.

At the outset all the tariff schedules and financial commitments were undertaken with the avowed object of militarising these industries, it being intended that they should be fully equipped to perform their allotted tasks in the next struggle. As the memory of the Great War has receded into the background, other reasons have no doubt been advanced for maintaining this wasteful and uneconomic expenditure. But upon the old tariff wars is now superimposed the new international competition between war industries. Every Treasury must be depleted to keep these industries on their feet, whether they are commercially self-supporting or not, in order that the nation may not be taken at a disadvantage in the next encounter.

The intimate relationship between industry and militarism, expanded and intensified during recent years, can only be harmful to the trade and commerce of every country, inasmuch as it diverts capital and labour into unproductive channels, and this expenditure has to be paid out of the public purse. Moreover, an industry which has to serve two masters—the ordinary consumer and the war department—is apt to fall between two stools. Every new development, method or appliance must be judged from two points of view—its utility for commercial purposes and its capability of adaptation for war. Thus no concern trammelled with these shackles is free to develop its business on purely commercial lines, and its products inevitably tend to bear the stamp of military bias.

These dual-purpose industries, subsidised by government grants, are obviously handicapped because they must not only produce goods which are saleable but, in addition, their designs and specifications must conform to the strategic and tactical conceptions of the military and naval experts.

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[1] See p. 257, note 2.

Let us take as an example the case of the aeroplane. It is anticipated that at the outbreak of war all commercial 'planes will be capable of adaptation for fighting purposes.[1] State subsidies are granted on such a basis as to encourage the production of types of 'planes conforming to the ideas of the Air Ministries.[2] If manufacturers were free to do as they wished, they would choose the type best fitted for commercial needs.[3] No other consideration would enter into their calculations. But as long as the civil aeroplane is regarded primarily as a fighting machine, so long will it fail to develop its potentialities as a vehicle of commerce.[4] If we can imagine the same procedure being applied to the motor-car industry during its infancy, Road Ministries would have been created. All grant-earning specifications would have been submitted to their experts, and cars would have been built with a view to their adaptability for war. Consequently, the fighting, caterpillar, lorry and ambulance types would probably have been evolved at a much earlier date at the expense of civilian requirements. In the light of experience, how absurd such a proceeding would have been. And yet this is the method prescribed for the chariots of the air.

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[1] "No rules can prevent aircraft being designed in peace to permit of the ready instalment of larger tanks in war; engines can be made interchangeable enabling one of higher power to be rapidly installed, even carrying surface can be increased by the standardisation and interchangeability of wings, and it is not impossible to conceive of civil and commercial aircraft being designed with a view to ultimate war requirements."—Report of Washington Committee on Aircraft as to the Limitation of Aircraft as to Numbers, Character and Use (Cmd. 1627), p. 27.

[2] The agreement of December 1923, under which Imperial Airways, Ltd., was established, was modified in 1926 to encourage the use of high-power machines (Cmd. 2574). The Memorandum of the Secretary of State explanatory to a new Agreement in 1928 (Cmd. 3143) states that in view of the importance of securing continuous progress in the design of machines, the scale of subsidy provides for the application of an average obsolescence rate of not less than 25 per cent. per annum.

[3] In this connection it is interesting to note that Germany, precluded by the Treaty of Versailles from maintaining military or naval air forces, has evolved in the Dornier Do. X. a commercial aeroplane far in advance of any other heavier-than-air machine yet produced. Having 12 engines and an overall wing span of 160 feet, this machine carries a crew of 12 and is capable of transporting over 100 passengers with a considerable quantity of cargo.—See *The Times*, July 10th, 1929.

[4] "The indefinite expansion of aerial forces would almost certainly involve, as a direct result, the militarisation of aviation as a whole."—Baker, *Disarmament*, p. 226.

"Every State with any considerable amount of military air force will endeavour so to organise its commercial aviation that it can be used for aerial bombardment, which it was said may well be the decisive weapon of attack in any future war."—*Id.*, p. 237.

The same observations apply in the case of the mercantile marine. If the submarine was regarded as a menace and commercial fleets were to play their part effectively in war, every new ship should have been designed in such a way as to be capable of defensive action. Why was it that this key industry was not dragged into the scientific competition of armaments? The answer is obvious. Governments could not afford to subsidise costly developments of this nature, whilst the shipping companies, attending to their legitimate business, refused to be drawn into the net. Both preferred to shoulder the risks rather than foot the bill unless they were compensated for doing so.[1]

It will thus be seen that no limits can be placed upon the policy which seeks to militarise key industries. Not only does its all-round application become an impracticability, but it introduces a species of international competition which is bound, sooner or later, to lead to war. Already the "key" arguments are becoming rusty and are being replaced by others bearing the old and unmistakable brand of protection. But the phantom will not be permanently laid to rest until competition in armaments has been arrested. This result will not be achieved until the reign of law has been established, guaranteeing the security of nations through the agency of an international authority armed with the unassailable sanction of an international police force.

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[1] In the years preceding the war, shipping companies were subsidised by the British Government in return for a lien on the services of certain of their liners as cruisers in time of war. They were not commanded by naval officers in time of peace; in this respect they differed from French liners commanded by a commissioned officer of the Navy, but were otherwise in a similar position. In both cases in peace time the liners would form no part of the Navy, but incorporation would take place on the commencement of hostilities.—W. E. Hall, *International Law*, 8th edition, p. 624.

V

Competition and Territorial Expansion

THE acquisition of territories in different parts of the globe has been one of the most fruitful sources of international strife. Colonial expansion was regarded as a legitimate enterprise, providing outlets for trade, supplies of raw materials and strategic positions dotted all over the world. When a person acquires land by purchase, gift or other means, he must assure himself that the title is good and that the deeds, supplemented by plans, define in precise terms the extent of the land of which he becomes possessed, together with his rights as the owner of the property. Should any disputes arise as to the validity of the title, the interpretation of the deed or the definition of rights, they are submitted to the process of law and the decisions of the court are enforced upon all the parties.

Nations acquire territories usually by conquest[1] and occasionally by purchase[1] or by exchange.[2] The results of these proceedings are generally embodied in treaties defining the boundaries of the annexations. No question arises as to the validity of the title. It is valid only so long as the proprietary State is powerful enough to hold it. The right of conquest and the fact of possession constitute the sole title. The rights attaching to ownership were regarded as absolute, unless provisions to the contrary were incorporated in the treaty.[3] Hitherto, with a few exceptions,[4] each State has insisted upon its own interpretation of those documents. The interpretation of the clauses will now, however, become the subject of an adjudication by the International Court of Justice, and disputes regarding ownership will be submitted to a judicial or arbitral procedure.[1]

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[1] It is to be feared that prominent politicians have been too prone to regard the German and Turkish territories as acquired by the mandatories by right of conquest. "I would like at once to challenge the claim made by my Right Honourable friend that the League of Nations has got to dispose of these mandates. I do not accept that. . . . Under the German Treaty the German colonies are handed over, not to the League of Nations, but to the Allied and Associated Powers. By the very terms of the Treaty it is for them to decide who are the mandatories. After all, the expense of emancipating these colonies fell upon the Allies. . . . I repudiate entirely the suggestion that it is for the League of Nations to determine who shall be the mandatories of those countries . . . that cost us hundreds of millions to emancipate."—Mr. Lloyd George, June 23rd, 1920, *Commons Debates*, 5th Series, Vol. 130, Col. 2256.

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[1] In 1867 the United States acquired Alaska from Russia for $7,200,000. —*E. B.*, 14th edition, Vol. I, p. 505.

[2] By a treaty of June 17th, 1890, Great Britain ceded Heligoland to Germany in exchange for the transfer of Uganda from a German protectorate to British "influence" and the recognition by Germany of a British protectorate over Zanzibar.—G. P. Gooch, *Modern Europe*, p. 201.

[3] The treaty of 1783 between Great Britain and the United States, terminating the War of Independence, granted the subjects of the latter Power certain fishery privileges on the coast of Newfoundland, Nova Scotia and Labrador. This derogation from the absolute rights of ownership was a cause of much friction for over a century.—Hall, *International Law*, 8th edition, p. 117. By the Treaty of Adrianople, 1829, Article III, it was agreed "that the right bank of the Danube from the confluence of the Pruth to St. George's Mouth should continue to belong to Turkey, but that it should remain uninhabited for a distance inland of about six miles, and that no establishments of any kind should be formed within the belt of land thus marked out."—*Id.*, p. 148. Such derogations from the rights of ownership are, however, rare.

[4] In 1903 the Governments of Great Britain and the United States submitted to a commission of six jurists, three of whom were chosen by each, the definition of the Alaskan frontiers as delimited in the treaty of 1825 between Great Britain and Russia. The adoption of the American claim was eventually due to the fact that the Lord Chief Justice of England, one of the British representatives, gave his vote for the American contention.—H. E. Egerton, *Historical Geography of Canada*, Vol. II, pp. 333–336. For many years before 1897 Great Britain and Venezuela had been in dispute regarding the frontiers of British Guiana which had been ceded by Holland to Great Britain in 1814. Attempts to delimit the frontier satisfactorily had failed until the matter was, in 1897, referred to arbitration. The award was given in 1899 and Great Britain secured practically all she had contended for.—Hall, *International Law*, 8th edition, pp. 136–137.

The mandate system recognises and seeks to define the responsibilities, no less than the rights, assumed by States which have been entrusted with the administration of certain territories. The administration of mandated areas may be called in question by the international authority.[2]

There exists, however, no compelling agency to ensure that arbitral or judicial decisions shall be binding or that the conditions attaching to mandates are complied with. It follows that the competition in armaments must continue in order to protect the precarious titles of all territories, whether mandatory or otherwise, recognised at the moment, but always in danger of being challenged when a favourable opportunity arises.

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[1] Article 13 of the Covenant. In 1924 the dispute between Great Britain and Turkey regarding the frontier of Iraq came before the Council, which sent a Commission of three members to investigate the question on the spot. Their report came before the Council in September 1925. Great Britain declared in advance her willingness to accept it; Turkey refused to do so and the Council sought an advisory opinion of the Permanent Court. Subsequently both Governments accepted the frontier delimited by the Commission, and this was incorporated in the treaty between Great Britain, Iraq and Turkey signed on June 5th, 1926.—*Survey of International Affairs*, 1925, Vol. I, pp. 471–531.

[2] "The Permanent Mandates Commission has been occupied each year since 1924 in no perfunctory way with the examination of contending applications of Jews and Arabs and with an endeavour to help the Mandatory to find a harmony between the two interests."—N. Bentwich, "The Mandate for Palestine," in *British Year Book of International Law*, 1929, p. 142.

"Of the competence of the members of the Mandate Commission there can be no doubt. . . . The thoroughness of their study of the mandatory system is best shown by the searching questionnaire which they have prepared with reference to each of the 'B' and 'C' mandates, and those respecting Palestine, Syria and the Lebanon. The questionnaire regarding the 'C' mandate territories, for example, comprised no less than 57 questions, grouped under thirteen headings."—A. H. Charteris, "The Mandate over Nauru Island": *Id.* 1923–1924, pp. 144–145.

The Report of the Commission of August 7th, 1922, regarding Nauru is most illuminating. The Commission fears that the "disproportion between the material wealth of this island and the small number of its inhabitants may induce the mandatory power to subordinate the interests of the people to the exploitation of the wealth. It is therefore not without the deepest concern that it considers the question whether the well-being and development of the inhabitants of this island, which in the words of the Covenant 'form a sacred trust of civilisation' the accomplishment of which it is the Commission's duty to safeguard, are not in danger of being compromised."—Charteris, *op. cit.*, p. 150.

The scramble between highly industrialised nations for real estate and raw materials may become less acute because few unoccupied territories remain and the cost of administration becomes a heavy burden. Nevertheless, the conditions under which these properties are held, the equitable distribution of their products,[1] the treatment of natives and kindred matters will increasingly be called in question, and may become the causes of new wars, unless in the meantime steps are taken to provide the appropriate machinery for ensuring just and binding settlements.

VI

Competition in Raw Materials used in War

IN pre-war days national competition in the sphere of territorial expansion was mainly concerned with providing opportunities for trade and maintaining adequate supplies of raw materials for the peaceful industries of the country. This policy has now been reinforced by a new and more sinister consideration, namely, the absolute necessity of obtaining at all costs permanent sources of supply of those raw materials which are indispensable to the effective prosecution of a modern war. The application of science to warfare has enormously extended the range of materials required for the manufacture of the innumerable parts which collectively constitute the war machine. Scores of raw products derived from all quarters of the globe are now regarded by military scientists as being more or less essential for the purposes of slaughter.[1]

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[1] The mandates of Class "B" are, under Article 22 of the Covenant, to be held on conditions which will "secure opportunities for the trade and commerce of the other members of the League." There is no such provision in the case of the mandates of the "C" class, of which the Nauru mandate is one. The German Government had granted a concession to a private syndicate to develop the phosphate resources of the island. On July 2nd, 1919, the Governments of Great Britain, Australia and New Zealand entered into an agreement to purchase this concession. It was provided that no phosphates are to be sold to or for shipment to any other country until after the requirements of Great Britain, Australia and New Zealand have been met. The placing of the Bill embodying the agreement before the House of Commons was the opportunity for severe criticism by Lord Robert Cecil. "There was no idea," he said, "that the Mandatory was to use this power in order to secure a monopoly of the riches of the mandated country. That is absolutely inconsistent with the whole framing of Article 22. It seems to me if we go on with this proposal it is perfectly fatuous for us to talk any more about scraps of paper."—June 16th, 1920, *Commons Debates*, 5th Series, Vol. 130, col. 1319.

Japan has restricted foreign trade in her mandates in the Northern Pacific.—Buell, *The Washington Conference*, p. 57.

Here, then, is a new and more intense species of competition. To ensure its security a nation must in future be able to command access to the markets of these essential commodities: otherwise, it will be severely handicapped at the outset of hostilities. The number of entries in the armaments race can no longer be computed in terms of battleships, guns and munitions: they embrace the sources of supply from which all these killing machines can be manufactured and propelled.

VII

The Case of Oil

PERHAPS the best example is the case of oil. Since the displacement of coal as fuel for the navies, oil has assumed a position of vital importance. Without it, a navy is powerless to move. If, during a war, a country is cut off from its oil supplies, its naval force becomes a useless appendage and, confined to its harbours, can offer little protection or take no decisive part in the issue of the combat.[2] An adequate supply of oil has also become essential to the movements of armies. It is applied to all forms of traction, it sets in motion the forces of the air and is the connecting link between the commissariat and the troops. It provides fuel for tank units, the transport of the Army Service Corps and the ambulances of the medical services, so essential for the speedy evacuation of the wounded.

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[1] The list of articles declared to be contraband of war issued by the British Foreign Office on April 13th, 1916, enumerates 169 articles. The list includes aluminium, aniline, antimony, asbestos, borax, camphor, cobalt, cork, emery, flax, animal hair, hides, iodine, lead, mercury, nickel, pepper, carbolic acid, soap, tin, tungsten, vegetable fibres, wool, etc.

[2] The wisdom of the British Admiralty in selecting as its main source of supply the oilfields of Persia is, at least, doubtful. "In the event

Oil has become indispensable in modern war. It represents the propellant force of this gigantic machine. If the supply is cut off, the machine comes to a standstill. It follows that no nation can feel secure unless it can control a source of supply at least sufficient to meet its requirements in the event of war. This fact explains the fierce competition which has centred round the oilfields of the world.[1] It is not simply a question of commercial rivalry between great combines or groups in the production and sale of a valuable commodity. Behind

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of an outbreak of lawlessness amongst the tribes the situation would present certain difficulties which, though serious, should not be insurmountable."—Final Report of Admiralty Commissioners on the Persian Oilfield (Cd. 7419 of 1914). If mere lawless tribesmen can create a situation which the Admiralty recognises as "serious," what might an organised army equipped with aeroplanes not do? "An extremely vulnerable pipe-line will continuously be at the mercy of swarms of fickle tribesmen in a land where internal authority has almost lapsed. At any time the Admiralty property may require protection."—*Times*, May 27th, 1914.

"If all these perils be overcome, there will still remain the risk and cost of conveying the supply of fuel, which will have become as indispensable as guns and ammunition, all the way from the Persian Gulf to home waters."—G. H. Perris, *The War Traders*, p. 154.

[1] "The most dramatic war the world has ever known—the oil war"—has been a war between two vast combinations each directed by an individual of outstanding ability, J. D. Rockefeller of the Standard Oil Combination and Sir Henry Deterding of the Royal Dutch-Shell group. "Sir Thomas Browning in his evidence (before the Royal Commission in 1913) says that the Royal Dutch-Shell combination is more powerful and aggressive than ever was the great Standard Oil Trust of America."—Lord Fisher's *Records*, p. 201.

To-day the Royal Dutch-Shell group, "the most powerful organisation on earth," controls 75 per cent. of the world's supply of oil, while America has squandered vast portions of her reserves of oil. The struggle of the two rival combinations has gone on all over the world.—Cf. Ludwell Denny, *America Conquers Britain*, chap. x.

these organisations loom the indistinct features of governments, represented by their naval staffs and military advisers. The latter, fully realising the vital significance of oil to the Services for which they are responsible, naturally bring every conceivable pressure to bear upon their political chiefs.[1] Access to the oilfields must be secured at all costs, and other nations must not be given the opportunity of diverting this precious stream into other channels. Consequently, governments of all parties are driven to demand territorial concessions and spheres of influence, to browbeat small nations and to threaten the existence of defenceless communities.[2] Oil is the magnet which directs their activities and is regarded as the prize of the new competition.[3]

There are also commodities such as steel, rubber, chemicals, to give only a few examples, which are now regarded as essential in the manufacture of modern weapons.[4] As the results of scientific research are increasingly applied to war, the number of these raw materials will also be augmented. Insistent demands will be put forward by the War Offices and Admiralties in every country to ensure adequate supplies in peace and war. Thus the competition will be intensified. The international atmosphere will be charged with distrust and suspicion which sooner or later will burst forth in a mighty thunderstorm enveloping a defenceless world once more in the grip of a new Armageddon.

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[1] " It's criminal folly to allow another pound of coal on board a fighting ship."—Admiral Lord Fisher, *Oil and Oil Engines* (1912), quoted in his *Records*, p. 197.

[2] In 1926 the Mexican Government enacted a new Petroleum Law to nationalise the mineral resources of the State. Vigorous protests against the new law were made by the United States Government. Mr. Kellogg sent the Mexican Government a Note calling upon them " so clearly as to leave no room for misunderstanding " to " respect in their entirety the acquired property rights of American citizens. To this virtual ultimatum Mexico made a firm reply reasserting the sovereign rights of Mexico over legislation concerning her own internal interests."—*Annual Register*, 1926, pp. 320–322. Cf. Denny, *America Conquers Britain*, chap. x.

[3] See p. 258, note 4.

[4] See p. 266, note 1.

VIII

Competition and Disarmament

IT has been pointed out that the culminating point of international competition is reached in a state of war, but that the same forces operate during periods of peace. It is obvious that preparation for war in peace-time is only a continuation of its methods under another guise. It is true that during the pauses between actual hostilities people are not being killed or countries laid waste, but the competitive instinct is hard at work. It operates in the dark and behind closed doors: the militarists "are sharpening their knives all the time."[1] It is only occasionally that military and naval secrets are brought into the light of day; when a book is written by an expert, a question is asked in Parliament or a secret service agent is brought to trial.[2]

So long as national armies and navies are organised on their present basis, even though their numbers and equipment are drastically reduced, this intense competition and rivalry will still remain. Until it has been replaced by a spirit of co-operation, manifesting itself in a clearly-defined international sanction, the world will always be at the mercy of this implacable enemy.

IX

Armaments represent Symptoms, not Causes

ARMAMENTS are the visible sign of national passions and international unrest. They represent the products of unrestrained and unbridled competition between nations. Allusion has been made to the fact that wars are attributable to many causes, and that it is impossible to determine whether armaments are dictated by policy or policy by armaments.[3] Whatever the root causes may be which drive nations to war, there can be no doubt that the existence of armaments is the most pronounced symptom of the disease. The armament graph, like a barometer, registers the feelings, the fears and the ambitions of the international atmosphere. It also records armament fluctuations. When the stocks are low, we may assume fair weather and peace; when they increase, the outlook is stormy and hostile. If there were no armament race we might feel tolerably certain that the root causes of war were not operating or, at least, that they were in a state of suspense. But, fickle as the weather, after periods of calm nations launch out into new armament programmes. One nation sets the pace: the others are forced to follow.[1] War Offices and Admiralties draw up their time-tables. The sovereign States brook no interference and, saturated with the idea of their invincibility, rush headlong over the precipice.[2]

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[1] See chap. I, p. 56.

[2] See p. 35, note 2, and p. 152, note 2.

[3] See chap. VI, p. 236.

It follows that the measure of armaments is only an indication of the trend of events. It offers no guarantee of permanence or security, and at any moment any scheme of disarmament may be torpedoed by the revival of the competitive mania arising out of a trivial dispute between two of the Great Powers. Consequently, the problem of disarmament is not merely confined to the question of reduction in the number of armed men and the quantity of war equipment. It cuts deeper. It involves the suppression of competition and, above all, the removal of those causes which produce it. These are embedded in the social systems of every nation; they are hallowed by the traditions of centuries; they are fortified by emotions, passions and prejudices entirely divorced from the faculty of reason; they are championed by castes and interests[3] whose representatives naturally resent interference and are still convinced that Providence prescribes war as the sovereign remedy for international ills.

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[1] "Great armaments lead inevitably to war. If there are armaments on one side, there must be armaments on other sides. While one nation arms, other nations cannot tempt it to aggression by remaining defenceless. Armaments must have equipment: armies cannot be of use without strategic railways. Each measure taken by one nation is noted and leads to counter-measures by others."—Viscount Grey, *Twenty-Five Years*, Vol. I, p. 91; cf. Vol. II, pp. 52–53.

[2] Cf. *Id.*, Vol. I, p. 331 cited at p. 230.

[3] "Great armaments necessarily mean great military castes."—Baker, *Disarmament*, p. 19.

To overcome these obstacles is not an easy task, but unless they are squarely faced and conquered the old national rivalries will be resurrected and all disarmament agreements will fail miserably. It cannot be too strongly emphasised, that in these days, when science has revolutionised the conduct of war, numbers of men and quantities of material are not the vital considerations. The elimination of competition is the crux of the disarmament problem and any scheme which disregards it is merely another attempt to delude nations into believing that a remedy has been found.

The detection of symptoms assists a doctor in diagnosing a disease, but he cannot effect a cure until he has discovered and destroyed the germ which is the cause of the malady; then the symptoms disappear, and the patient recovers. Similarly the incentives which prompt nations to arm must be removed before armaments can be permanently reduced. When nothing is to be gained and national armaments obviously become an unnecessary burden, competition will be diverted into rational channels; it will be modified and regulated by international law; and this change can only be effected when the reason and common sense of the peoples have been enlisted on the side of international sanctions.

X

The Centres of Competition

THE centres of competition in every country are represented by their War Offices and Admiralties. In these institutions are focussed the competitive activities of the nations with their countless threads and endless ramifications. The hierarchies who inhabit these establishments represent the driving forces of the competitive system. They are responsible for the defence of their respective countries, and are in duty bound to take every precaution and to provide for every contingency. For over a century they have been imbued with the ideas and principles so clearly set forth by General von Clausewitz in his treatise on war. These conceptions, the product of a scientific treatment of the subject, have dominated the minds and actions of the military and naval staffs of all countries and have been transmitted by them to their political chiefs. Thus, the doctrines enunciated by Clausewitz have been reflected in the foreign policies and military administrations of every government in Europe in a greater or less degree during the last hundred years. "War is a political instrument, a continuation of political commerce, a carrying-out of the same by other means."[1] It is only right and natural that the staffs, taking this text as their motto, should strive unceasingly to secure that national supremacy which is the main objective of the international competition in which they are all engaged. How to impose one's will upon the adversary; how to mobilise one's forces at the earliest possible moment; how to direct the preparations during intervals of peace so as to produce the maximum effect at the outbreak of war; how to construct the most effective killing machine; how to develop to the fullest extent the potentialities of modern weapons[2]; how to initiate and direct war as an instrument of national policy; are some of the problems which permanently engage the attention of these experts.[3] It is also their business to

[1] Gen. Carl von Clausewitz, *On War*, Vol. I, 1, 24.

[2] "It was . . . proved by the test of battle that the British heavy armour-piercing shell was inferior to the German shell of equal size in carrying its explosion through the armour. Such a result should for ever banish complacency from the technical branches of our Naval Ordnance Department, and should lead successive Boards of Admiralty repeatedly to canvass and overhaul the scientific data with which they are presented and to compare them in an open-minded mood with foreign practices."—Churchill, *The World Crisis, 1916–1918*, p. 167.

[3] "Weapons form 99 per cent. of victory; consequently the General Staff of every army should be composed of mechanical clairvoyants, seers of new conditions, new fields of war to exploit and new tools to assist in this exploitation."—Col. J. F. C. Fuller, *Tanks in the Great War*, p. 309.

discover new and more powerful engines of destruction, the design and manufacture of which must, if possible, be kept secret so that these instruments may be used as a threat or surprise as the emergency may demand. They must do everything in their power to blind and deceive the potential adversary, whilst the information vouchsafed to the comrade-in-arms of to-morrow must be strictly circumscribed.

In this manner the staffs move in the dark-room of international competition, each endeavouring to outwit the others by stratagem and subterfuge, goaded to action by the machinations of armament combines, and aided and abetted by jingoes and junkers. What an inspiring spectacle! It is not intended to cast aspersions upon the honour and integrity of the personnel composing the staffs. The majority are men of the highest character and attainments, imbued with a lofty conception of the duties they owe to the State and animated by the noblest ideals. They cannot be blamed for the results which accrue from this insane competition. The more conscientious and efficient the officers are, the keener the rivalry will be, and the more effective the killing machine becomes. The fault lies in the national systems of competition which produce these results: the blame rests on the shoulders of the nations which connive at these arrangements and especially on the statesmen who dare not expose the folly of these proceedings.

XI

Pre-War and Post-War Staff Duties

IN pre-war days the tasks devolving upon the military and naval staffs were comparatively simple in comparison with the responsibilities which confront them to-day. They were entrusted with the duties of training the personnel under their command, drafting schemes of operations, maintaining adequate supplies of weapons and military stores and ensuring that a sufficient quantity of ammunition was available to meet the demands of the army and navy. The responsibilities of the Army Ordnance Department were limited to effecting improvements in rifles, machine guns and a few types of artillery. Occasionally it was necessary to test a new rifle or gun or to carry out experiments with some new form of ammunition.

The tasks imposed upon naval staffs were more onerous and complicated. The design and construction of battleships, cruisers and auxiliary craft were constantly changing. The introduction of the submarine presented new problems, whilst the increasing size and complexity of the war vessels presented the gunnery and torpedo experts with a new field for their experiments.

Generally speaking, these functions embraced the most important duties of the staffs in pre-war days.

Now the range of their activities has been enormously extended. To a fleet on sea has been added a land fleet of tanks involving engineering problems which the army had never encountered before, whilst the new gas service calls for chemical knowledge on the part of its officers and staff. Aeronautics is a science in itself, which demands technical skill and experience of a high order. Each of these new departments alone involves the training of experts, and presents the most intricate and technical problems which can be imagined. They are all now part and parcel of the war machine, and each has its allotted task in offensive and defensive operations. The military commander of the future must possess a working knowledge of all these arms of the Service and be able to appreciate the importance and the relative values to be attached to each in the general scheme of operations. The strategical and tactical employment of these weapons to the best advantage will become one of the most vital qualifications of a great soldier. It may not be necessary that he should be a technical expert, but at any rate he will have to equip himself with a knowledge of the functions and potentialities of these specialised weapons.

It is clear, therefore, that the responsibilities which now weigh upon the staffs have been vastly increased in comparison with the duties which they performed prior to 1914. All these new weapons owe their origin directly to the application of science to the art of war. The old competition has consequently been increased a hundredfold and has now assumed a scientific character. This means that military research must be continued on a hitherto unprecedented scale. No nation can afford to lag behind in this sphere of activities. The discipline and training of troops will still be an important factor in war, but it may be entirely overshadowed by the efficiency and potency of the weapons which will be employed.[1] Barbaric tribes, however well disciplined and trained they may be, equipped with spears and bows-and-arrows can never hope to defeat an irregular force armed with rifles and machine guns. Similarly, armies provided with aeroplanes and poison gas will obviously secure an overwhelming advantage over an opposing force possessing neither of these weapons.

XII

Research

CONSEQUENTLY, the importance of military and naval research cannot be over-estimated. It will be preoccupied in two main directions: in improving the weapons already in existence and in endeavouring to discover new methods of destruction, surpassing in killing efficiency even those which were used in the last war. The results obtained in the laboratory and the workshop will then be subjected to tests of their practicability before they can be applied to the business of war. During this stage in the evolution of the weapon large sums must be spent in proving its capacity or otherwise for exterminating human life. When its efficiency has been clearly established, it is incorporated as a part of the military machine with its appropriate staff and personnel, all of whom must undergo special training in its operation.

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[1] "The highest form of machinery must win . . . in all wars and especially modern wars—wars in which weapons change rapidly—no army of fifty years before any date selected would stand a 'dog's chance' against the army existing at this date, not even if it were composed entirely of Winkelrieds and Marshal Neys."—Fuller, *Tanks in the Great War*, pp. 307–309.

Research activities may also be sub-divided under two other headings, namely, those which are primarily intended to produce weapons of offence and those concerned with the means of defence. No sooner has one group of researchers discovered a new process of slaughter than another team sets to work to find an effective protection. Thus the submarine represented the response to the battleship, whilst the destroyer was called into being by the torpedo.

The growth of the gas services during the war was a ceaseless struggle between offensive and defensive appliances.[1] As soon as a new species of gas made its appearance a new type of gas helmet had to be evolved to neutralise its effect. The defensive researchers even endeavoured to anticipate the efforts of the offensive group by providing protection against other possible combinations of chemicals which it was thought might be utilised, thus forestalling the results of their appearance on the battlefield.[2] This competition between the offensive and defensive departments was displayed in each phase and development of the war and was increasingly applied to all the weapons in use.

The same process, on a greatly restricted scale and in an atmosphere far less tense, goes merrily on in time of peace. Thus, in the same building two groups of men sit side by side, each endeavouring to stultify the work of the other, whilst the taxpayer who pays the bill looks on complacently. A new type of tank may be produced impervious to the missiles of the defence. Immediately the gunner and shell-expert collaborate to put the offspring of their engineering colleagues out of action.[1] Here is an internal or domestic duel, a competition within a competition,[2] which has no finality and calls for increasing subsidies year after year.

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[1] "The history of chemical warfare becomes one of continual attempts, on both sides, to achieve surprise and to counter it by some accurate forecast in protective methods. It is a struggle for the initiative."—Major V. Lefebure, *The Riddle of the Rhine*, pp. 109–110.

[2] "It is unsound for any nation to introduce a new weapon unless that nation is, itself, furnished with the means of protection against its eventual employment by the enemy."—*Id.*, p. 217. Cf. p. 104.

XIII

Liaison between Industrial and Military Research

THERE is another sinister aspect of this competition. Since war has invoked the aid of science there will be an increasing tendency to enmesh those research agencies connected with industry in order to secure their help for the schemes of every War Office and Admiralty. It is presumed that the experience of the war has taught these hierarchies that they cannot expect to deal successfully with the problems of research without calling to their aid the services of professional men engaged in industry and commerce. This assistance will be invoked on patriotic grounds, and research workers in all parts of the country will regard it as their duty to enlist their services in the cause of self-defence. As a result, the research facilities provided by university colleges and industrial undertakings, especially in the engineering, steel and chemical industries, will be sought for. Military staffs who understand their business will find means of co-operating with every industry and technical institution which can afford assistance in the solution of their specialised problems.[3] Considerable progress has already been made in these arrangements since the war. It is no secret that research stations are attached to government departments, which report to the various Ministries. Besides these, there are committees composed of university professors and technical experts whose function it is to keep the departments informed of new developments on any particular problem.[1] They are paid by the various ministries, but are not included in their personnel.[2]

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[1] "There seem to be three answers to tanks: (*a*) low-flying aeroplanes, (*b*) guns, (*c*) mines. The last, the most dangerous."—Diary of Field-Marshal Sir Henry Wilson in Callwell's *Life*, Vol. II, p. 68.

[2] "It is safe to forecast a tense struggle between chemical weapons and protective tank devices in the event of future wars."—Lefebure, *The Riddle of the Rhine*, p. 230.

[3] "The genius and patriotism displayed by the chemists and chemical engineers of the country were not surpassed in any other branch of war work . . . to fail to utilise in peace times this talent would be a crime."—

Thus it is clear that these civilians will regard their professions as indissolubly linked up with the protection of their country and as parts of the military machine. Two results are bound to follow. Research will assume a military bias: it will tend to be diverted from the paths of industry into the bye-ways of war. The brains and knowledge of the best researchers will be diverted into uneconomic channels. Civilians who are engaged in these proceedings will actually be employed to discover the means of destroying the trade and commerce upon which their livelihoods depend.[3] Secondly, the

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Major-Gen. W. L. Sibert in a Foreword to *Chemical Warfare*, by Fries and West.

A Command Paper published in 1921 (Cmd. 1112) announces the award by the Royal Commission on Awards to Inventors of £10,000 for an invention which had the effect of doubling the rate of fire of the Vickers gun.

[1] The information supplied to the League of Nations by Great Britain under Article 8 contains the admission that the Chemical Warfare Research Department has recourse, "where practicable, to the services of Universities and similar institutions." Further, it is one of the functions of the Royal Engineer Board "to maintain touch with scientific associations and technical institutions" which undertake research.—*League of Nations Armaments Year Book*, 1927–1928, p. 97. Cf. *Army Estimates*, 1929, pp. 168 and 175.

[2] E.g. the Army Estimates for 1929 provide in the Vote for the Chemical Warfare Research Department (p. 169) for payment to experts, and research at Universities, of £13,217. Cf. *Id.*, pp. 173, 174.

[3] Writing in 1920 after an invitation from the War Office to join a committee for "the development to the utmost extent of both the offensive and defensive aspects of chemical warfare," Professor Soddy protested against the calling of scientific men and universities to become a normal part of the peace organisation for the secret development of chemical warfare. "Universities and scientific men," he declared,

cumulative effect of these arrangements will be to spread the war mentality and to foster the spirit of militarism to a degree hitherto undreamt of. When new generations arise to whom the Great War is only an historical event they may throw themselves enthusiastically into this competition and the scientific militarists may blossom freely in every university and industry throughout the land. It is not inconceivable that when national rivalries become still more acute research workers of every country may be conscripted in the cause of self-defence.

These are the dangers imposed by the competitive system which no schemes of disarmament can remove. Research must be demilitarised, its discoveries consecrated to the enforcement of justice, and its inventions placed upon the altar of international sanctions. Then this great army of progress, recruited from every nation and bound together by ties of knowledge and truth, will be able to devote its energies unreservedly to increasing the welfare and prosperity of the peoples. No longer will they be menaced by the haunting fear that the secrets they have wrested from Nature may be used to devastate the world.[1]

XIV

Competition in Secret Service

THE competition in research also necessitates the expansion of the duties and personnel of the secret service in all countries. These duties, like those of the staffs, have been considerably expanded. Secret

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"stand for something in the world higher than anything which has as yet found expression and representation in Governments, particularly in their international relations."—*Nature*, November 4th, 1920, p. 310.

[1] "The war came. . . . In their diligent cultivation of their arts, engineers had perhaps forgotten that progress in them had far outstripped the ethical progress of the race. Surely it was for the engineer as much as for any man to pray for a spiritual awakening, to strive after such a growth of sanity as would prevent the gross misuse of his good gifts. For it was the engineer who in the course of his labours to promote the comfort and convenience of man had put into man's unchecked and careless hand a monstrous potentiality of ruin."—Sir J. A. Ewing, "A Century of Invention," Lecture to the Institution of Civil Engineers, reported in *The Times*, June 5th, 1928.

service agents are now expected to delve into the mysteries of chemistry, and they should possess at least a rudimentary knowledge of engineering. To carry out their investigations thoroughly they should be able to appreciate points of importance in the construction of battleships, tanks, aeroplanes and other military paraphernalia. It is therefore obvious that the qualifications of a spy have increased immeasurably since the era of scientific competition began.

Moreover, the fear that a new invention is being exploited by a rival State renders it imperative that no effort should be spared to discover the secret in order to provide at least the means of protection against it. Every War Office and Admiralty will seek to penetrate the veil of secrecy by any means within its power. The dread of the unknown haunts every War Minister and his Chiefs of Staff, and this spectre has assumed gigantic proportions during the last twenty years. The rumour that a new type of weapon or variety of poison gas has been the subject of experiment in another country or that the researches conducted in a neighbouring State have produced a new air machine controlled by wireless may cause the reappearance of the apparition in a particularly unpleasant form.

It is clear, then, that the partnership between science and war will make fresh claims upon the efficiency of the secret services. It may, however, be contended that this particular species of competition will be modified, if not abolished, by the safeguard provided in the last paragraph of Article 8 of the Covenant, which stipulates that "the members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes." This provision has already been complied with to the extent that an Armaments Year Book is issued from the headquarters of the League containing information regarding the naval and military establishments of its members. This publication contains a great deal of useful information in statistical form regarding the size and equipment of the armies, navies and air forces. But the facts it reveals are only those published in the returns to the national parliaments, which have always been public property, and cannot be regarded as throwing fresh light upon the real competition in armaments. "Full and frank information" bearing upon the ceaseless struggle in research, the improvement of weapons, and new inventions, finds no place in the League publication. When representatives of the national staffs meet at a conference they do not discuss their secrets. How can they be expected to do so when the scientific competition in armaments assumes the importance which it does to-day? Nations which are compelled to rely upon their own resources as the sole means of defence will never be prepared to lay bare their plans, to divulge their secrets or to broadcast the results of their researches.

Consequently the implications of Article 8 may be honoured in the letter, but they are certainly ignored in the spirit. If "full and frank information" was available, why should it be necessary for each country to maintain a secret service at all? Obviously it would be the height of folly to resort to this subterfuge, entailing considerable expense, if the information it supplies could be derived from the Armaments Section of the Secretariat at Geneva.

The truth is that so long as competition in armaments exists the secret services, a constant source of international friction and suspicion, will be maintained.[1] In the words of Viscount Grey, "so long as governments are compelled to contemplate the possibility of war, they are under a necessity to take precautionary measures the object of which would be defeated if they were made public. This was a necessity in Europe before the war, and it will remain a necessity after it if the system of competitive armaments continues. . . . Political engagements ought not to be kept secret; naval or military preparations for contingencies of war are necessary, but must be kept secret."[1]

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[1] In February 1927, Vivian Stranders, a former British Army officer, was accused before the French courts of engaging in espionage on behalf of Germany. On March 9th, he was sentenced to two months' imprisonment and fined 1,000 francs. (*Times*, February 9th, and March 11th, 1927.) On May 19th, 1926, the same journal reported the judgment of the French courts in a case in which three British subjects and two Frenchwomen were charged with espionage on naval aerodromes. One prisoner was sentenced to three years' imprisonment and fined 3,000 francs, the others to fines and imprisonment of lesser amount. The leader of the gang was chief representative in Paris of a British wireless firm, whilst the other men were his employees.

XV

Changing Types of Weapons

AMONGST the many and diverse forms of human activities it is difficult to imagine any more wasteful or profligate system than the competition in armaments, and there is no limit to this extravagance. The demands of admirals and generals must be complied with and these are based upon the formula of "replacement." In the balance sheet of any industrial undertaking this word would be construed as "renewals and depreciation." New construction in engines, machinery and other manufacturing paraphernalia is not undertaken, except to replace worn-out and useless plant, or unless it can be proved that substitution will produce substantial savings in the cost of production. New inventions and types are not sanctioned until it can be clearly demonstrated that they will effect economies which will be reflected in the Profit and Loss

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[1] Viscount Grey, *Twenty-Five Years*, Vol. I, p. 290. The publication in Great Britain of the reactions involved in the preparation of Lewisite was resented by the United States chemical experts, who had considered these among the most valuable chemical warfare secrets.—Fries and West, *Chemical Warfare*, p. 188.

Though the Military Convention, concluded on September 7th, 1920, between France and Belgium was duly registered with the Secretariat in accordance with Article 18, the publication of the contents, also prescribed by the same article, did not follow, the parties claiming that the terms were purely defensive and that to publish the technical details would be to destroy their efficacy in advance.—*Survey of International Affairs*, 1920–1923, p. 71.

Account. No test of this kind is or can be applied to the manufacture of armaments. A new type of weapon is evolved by one nation. The others must either copy it or improve upon it. The new type immediately renders its predecessors obsolete long before the actual wear and tear of the plant or machinery fits them for the scrap heap.

Thus the need for replacement is subject to no test of general utility other than the arbitrary decision of the war experts, who control these proceedings. A dreadnought is launched and proclaimed to be the last word in naval construction, but almost before the rapturous applause which greets her appearance has died away, another leviathan, designed by a competing admiralty, more costly and more powerful, has assumed the place of honour,[1] and the dreadnought's fate is sealed. The brief existence of these flora of the ocean reminds us of the lilies of the field which "to-day are and to-morrow are cast into the oven." Has not the time arrived when these expensive and dangerous flowers might be transplanted to the international garden where they would blossom perennially to the mutual advantage of all the nations?

It follows that the policy of replacement applied to all weapons is the product of the introduction of new types or classes, and that the latter are the result of arbitrary decisions on the part of the experts. The only people who appear to benefit from this procedure are the designers, who must justify their existence, and the armament firms to which the adoption of each new type brings a fresh batch of orders. The intimate relationship between the latter and the staffs was nothing short of a scandal in pre-war days, and the fact that so many retired officers of high standing, in possession of all the secrets of their departments, joined the directorates of these firms could not be regarded with equanimity.[2]

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[1] Cf. Perris, *The War Traders*, pp. 126–143.

[2] "Officers high in the two Services and responsible officials of the

No country could claim to be immune from the tainted atmosphere in which this competition was conducted.

XVI

The Influence of the Fighting Services upon Policy

THE modern State is a vastly complicated political machine which derives its propelling power from various sources, some of which are apparent, whilst others exert their influence through less obvious though none the less effective channels. Amongst the latter is the strong pressure brought to bear from time to time by the fighting Services upon the policy of the country which embraces the competition in armaments.[1] In theory, Ministers are responsible for the policies of their departments, but behind the scenes the general staffs exercise a most powerful influence upon their civilian chiefs.[2] The biographies of statesmen and the records of political parties testify to the enormous powers which are wielded by the permanent officials in all the Departments of State.[3]

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connected administrative departments, men of influence corresponding with their peculiar knowledge and experience, are with increasing frequency transferring themselves from the service of the State to the service of these profiteering firms."—*Id.*, p. 28. The author quotes instances, extending to many pages, of ex-service officers then (May 1914) in the service of armament firms.

[1] "The invasion of Belgium and the unlimited U-boat war were both resorted to on expert dictation as the only means of victory."—Churchill, *The World Crisis : 1915*, p. 335.

[2] "During this year (1901), I have got a wonderful insight into the inner working of the War Office, and to my mind it is exceedingly unsatisfactory. The whole idea of governing the army by a civilian, whose whole training has been political expediency, and who knows less about the army than I do about the navy, is vicious in theory and hopeless in practice."—Diary of Field-Marshal Sir Henry Wilson, in Callwell's *Life*, Vol. I, p. 47.

[3] "One remark he (Disraeli) made reveals the kind of influence brought to bear by the naval and military circles on Ministers of State. 'You can't conceive,' he said, 'how much I am bothered by these damned Services ; there's no satisfying them.' "—Henry Richard : quoted in G. S. Miall's *Life* at p. 138. "The pressure on me for a compulsory system during peace continued. . . . The General Staff later on, at about 1910, pressed me to let them consider a scheme."—*Richard Burdon Haldane, An Autobiography*, p. 196.

In certain countries the fighting Services exert a much more profound sway than in others. Perhaps the most striking examples are to be found in the political condition of Germany and Japan before the war. In the former the military and naval cliques dictated in a great measure the foreign policy of the country. Their domination permeated educational institutions [1] as well as industrial and commercial organisations [2] throughout the land. There was hardly any sphere in which they were unable to exert pressure. These hierarchies were castes in themselves, and were recognised as such by the rest of the community.[3] In Japan the war departments wielded the most profound and powerful influence and the military and naval chiefs, representatives of two clans—the Satsuma and the Choshu—vied with each other in dictating their policies to successive governments. Parliamentary institutions had only reached an embryonic stage, and were entirely at the mercy and under the control of the war staffs.[1]

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[1] "We must never forget to develop the elements on which not only our military strength, but also the political power of the State, ultimately rest. . . . The full consummation of military training cannot be attained unless recruits enter the army well-equipped physically and mentally. . . . In order to meet these demands fully, the people must be properly educated."—Gen. von Bernhardi, *Germany and the Next War*, chap. XIII.

"No country in Europe has devoted so much thought to education in all its branches, and nowhere except in France has the control of the State over every wheel of the machine been so close and so continuous."—G. P. Gooch, *Germany*, p. 98.

"The recent achievements of the German people have essentially contributed to make other nations realise the important part which a national system of education and culture, directed and promoted by the State in the interests of all classes of the population, may play in assisting a nation to develop its own capacities even as a military or economic power."—F. Paulsen, *German Education: Past and Present*, pp. 273–274.

[2] "The German nation was really an industrial people governed by a military caste ignorant of the economic necessities of the present age." —Le Bon, *The World in Revolt*, p. 85.

[3] The spirit of militarism in Germany was never more strikingly illustrated than when Wilhelm II ascended the throne. "His first act was to issue a proclamation to the army, but it was not until three days later that his proclamation to the people was issued."—S. Miles Bouton, *And the Kaiser Abdicates*, p. 39. The writer declares that militarism exalted the profession of arms above all else, dividing the people into two classes—military and civilian. The Zabern incident of December 1913 attracted great attention. A conflict between officers and the pupils of the local secondary school led to a number of arrests. The affair caused an outbreak of indignation all over Germany and the question was brought before the Reichstag. The Imperial Chancellor treated it as a matter of no importance and Falkenhayn vigorously defended the actions of the army. A vote of censure on the

On the other hand, in countries like Canada and the United States the influence exerted by these departments has been relatively slight, and in the case of Canada almost negligible. The absence of fortifications on the frontier and the existence of a superb mounted police force rendered a large standing army unnecessary, with the result that military competition was reduced almost to zero. In the United States the Federal Army was maintained within narrow limits which never allowed it, except on rare occasions,[2] to dominate the political situation. In recent years the naval and air staffs in attendance at the discussions of Congressional committees have exerted considerable influence in political

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Chancellor was carried by an immense majority in the Reichstag. In the course of the Alsace disturbances a telegram had been sent by the Crown Prince encouraging the officers in their "truculent attitude."—*Annual Register*, 1913, p. 318. *E.B.*, 12th edition, Vol. XXXII, p. 1015.

[1] "When the Department of War was organised, with its two offices of the Army and the Navy, these two clans logically assumed control. Satsuma took over the Navy, while Choshu undertook to manage the Army. . . . It is said that the Choshu clan, linked as it is with the Army, was responsible for Japanese intervention in Siberia during the last war. . . . The disappearance of the clans means nothing so far as the growth of liberalism is concerned. Their places have already been filled by a military machine which hitherto has existed alongside of and cooperated with the clans. This is the officialdom of the Japanese Army and Navy. . . . The military hierarchy, whether composed of clansmen or non-clansmen, can thwart the will of the civilian members of the Cabinet and of Parliament itself when it pleases. . . . The Army and Navy virtually control the foreign policy of Japan, although a civilian Ministry of Foreign Affairs is represented to do so."—Buell, *The Washington Conference*, pp. 89 *et seq.*

[2] The Grand Army of the Republic, formed by the Union soldiers after the Civil War, long possessed a political importance.—*E.B.*, 14th edition, Vol. XVII, p. 384.

circles.[1] Judging from their bellicose utterances in speeches delivered on various occasions they may now be described as the foremost protagonists of the new competition.[2]

Broadly speaking, the forces of militarism operate in each country in a greater or less degree and every government—Conservative, Liberal or Socialist—comes under their spell. As a rule politicians become as putty in the hands of officialdom. How rare it is to find a statesman who effectively pursues a policy which he enthusiastically proclaimed before assuming the responsibilities of office.[3] In his new sphere he invariably tends to become an "expert." Perpetually in contact with other experts, he soon develops into a super-expert. In the past his political utterances may have been tinged with idealism: now, however, he relapses into the jargon of the expert. The true test of any statesman is his capacity to push through a reform, if necessary in the teeth of and often against the advice of the experts. This statement is particularly true of the fighting Services, whose views are reinforced by carefully planned Press campaigns, by the powerful influence of armament firms and by threats of resignation.[4]

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[1] "Some Committees, such as those on naval and military affairs, and those on the expenditure of the several departments, deal with administration rather than legislation. They have power to summon the officials of the departments before them and to interrogate them as to their methods and conduct."—Viscount Bryce, *The American Commonwealth*, Vol. I, p. 158.

[2] "The Admirals are on the rampage again, broadcasting their alarmist talk for domestic consumption."—*Round Table*, March 1928, p. 322.

[3] "To its credit, the Government (Labour) did put on record its own desire to see battleships abolished. But this it did in a shamefaced and irresolute way . . . it negatived the whole pronouncement by quoting the adverse opinion of its admirals who still called for great battleships, though they would be content to reduce them to 25,000 tons apiece. It is, surely, the first time in the constitutional history of our country that a government has publicly cited its technical advisers in this way."—H. N. Brailsford, "The Conference in Peril," in *The New Leader*, February 28th, 1930.

[4] The fear of the Unionist Government in 1905 that it would face a general election with the resignation of Lord Kitchener in its hands was

It is not to be expected that the staffs should welcome any sweeping changes which may seriously impair the prestige and importance of their departments. Professional pride and the tradition which has grown up round the Services might be outraged. Nurtured and trained in the school of warfare, they cannot help being imbued with the vital importance of the particular arm which they represent in the defence of their country. They naturally resent the intrusion of a new branch, however important it may be. Hence the controversy which is being waged between the naval and air departments, a battle of the experts which the layman finds it difficult to follow, though the fate of a nation may depend upon the issue.

It is not intended to minimise the importance of military and naval experts. Their assistance may be invaluable to the cause of disarmament. On the other hand, the results of the Conferences at Geneva and Rome[1] prove conclusively that if this subject is turned over to them all schemes of disarmament will be stillborn. In both these instances the experts took charge of the proceedings and their civilian chiefs remained in the background. The discussions degenerated into a tug-of-war between the staffs, with the result that no agreement was reached.

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the cause of the unfortunate despatch of the Secretary of State to Lord Curzon which caused the latter to resign the Viceroyalty of India.—P. E. Roberts, *Historical Geography of India*, Vol. II, pp. 552–555.

[1] The Rome Conference of Naval Experts met in February 1924 at the instance of the League of Nations to consider the extension of the principles of the Washington Treaty to the rest of the world. "The discussion was inevitably inconclusive because it was limited to technical questions, for political questions were thus *ex hypothesi* excluded, and this meant that the concrete conditions under which any scheme for reduction must be carried out could not be defined. The success of the Washington Conference had been largely due to the diplomatic skill with which the political and technical discussions had been kept abreast of one another." —*Survey of International Affairs*, 1924, p. 78. In the Three Power Naval Conference which met at Geneva in the summer of 1927 the greater part of the business of the Conference was conducted in technical committees behind closed doors. No agreement was reached.—*Survey of International Affairs*, 1927, p. 74.

The outstanding success of the Washington Conference was achieved in the Plenary Meetings of November 12th and 15th, 1921, when the American proposals were stated by Mr. Hughes and accepted in principle by the British, Japanese, French and Italian delegations. Minor changes were made, but in general the principles agreed on in the plenary sessions were "applied and govern the agreements set forth in the Treaty."[1] Subsequently the agreement on the 5, 5, 3 ratio and on the maintenance of the *status quo* in fortifications in the Pacific was reached by the heads of the three delegations. In consequence of this agreement the Washington Conference will go down to posterity as the most successful disarmament conference that has ever been held. Only the technical details were left for the consideration of the Sub-Committee of Naval Experts. It was given no authority to pass judgment upon matters of policy.[2] In fact, the Sub-Committee was unable to reach an agreement, and its members made separate reports to their respective delegations.[3]

Aircraft limitation, on the other hand, was left to a sub-committee of experts which declared that any limitation was impracticable. The sub-committee which considered the question of poison gas declared that there could be no limitation of its use against armed enemy forces. In this case, however, the American delegation went over the heads of the sub-committee and introduced a resolution which was agreed to by all the powers.

It follows that in international affairs, as in other spheres, the rôle of the expert should be clearly defined. He cannot be expected to act as a handicapper in the armament race. He must not be allowed to encroach upon the domain of the responsible civilian ministers or the "frocks," as they are humorously described by a famous General.[1] The duties of the former should be confined to advising on technical considerations and to the execution of the scheme when it has been agreed to by his civilian chiefs. The latter cannot shirk the responsibility they owe to their national parliaments and peoples by sheltering themselves behind expert opinion. It is their duty to formulate the policy and to embody its implications in a practical plan with the assistance, but not under the guidance of, their experts and specialists. Only thus will the democracies of the world be able to banish the spectre of war. So long as militaristic agencies are able to mobilise powerful forces in the arena of international competition, there will be no effective scheme of disarmament. But the policy of limitation does not touch the root of the trouble. In the existing state of international morality no confidence would be felt that the restrictions would be observed, whilst any ban on the improvement of existing, and the discovery of new, weapons is obviously impracticable. Neither does the proposal for budgetary limitation, involving the rationing of national armaments to an agreed annual expenditure incorporated in the budgets of each country, solve the problem.[2] The reduction of military staffs and effectives may relieve the embarrassment of depleted exchequers for the moment, but it does not offer any permanent solution. It is only a method of weighting the scales against nations which conform to the letter and the spirit of the agreement, whilst it offers a temptation to States which still worship at the shrine of imperialism.

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[1] Mr. Hughes on behalf of the Committee on the Limitation of Naval Armament, February 1st, 1922: *Report of the Canadian Delegate*, p. 80.

[2] Y. Ichihashi, *The Washington Conference*, p. 27.

[3] *Ibid.*

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[1] Diary of Field-Marshal Sir Henry Wilson, in Callwell's *Life*, Vol. II, p. 197.

[2] "It may be concluded that a scheme based exclusively on budget limitation would, in theory, be unsound, that in practice it would be difficult to work, and that for these reasons . . . the Governments would in fact be most unlikely to accept it."—Baker, *Disarmament*, p. 71. Cf. the first *Armaments Year Book* of the League of Nations (1924), p. 9.

XVII

Competition recoils upon its Authors

UNDER these circumstances it is not surprising that the competitive system has produced results never contemplated by its protagonists. The adoption of a new weapon has only served the purpose for a time until it was copied by other nations. It might then recoil upon its authors, and instead of being a fancied source of security it became a deadly peril. This boomerang species of competition is illustrated by the results which followed the exploitation of the submarine and poison gas. The submarine, originally a product of the French Admiralty,[1] was soon included in the armoury of the British and American naval authorities as a weapon of offence. They produced successive types until the original design could scarcely be recognised. Although other navies were slow to emulate this example, the result of this competition was that the submarine developed apace in speed, size and armament. If the British and French Admiralties had contented themselves with a policy of marking time, depreciating its value rather than encouraging its improvement, other nations would probably have followed their lead.[2] The time arrived when it was possible to test the efficiency of the submarine, and the Allied Admirals discovered that they had evolved a weapon which could be used to destroy the shipping of their own countries and with which even the British Navy was powerless to deal until the convoy system was introduced.[1] The activities of the submarine came within an ace of bringing Great Britain and, with her, her allies to their knees: it brought starvation and defeat to their doors.[2]

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[1] In 1888 the *Gymnote,* the first successful submarine, was launched in France and was followed by another in 1893. In America John P. Holland built the first of several submarines in 1875. In 1888 the U.S. Navy invited designs, but the first vessel was not acquired till April 1900, when five more of the "Holland" type were ordered. Great Britain ordered five of the same type in December of that year.—*E.B.*, 14th edition, Vol. XXI, p. 492.

[2] In 1908 the number of submarines built or building was—Germany 3, France 78 (in addition to 18 projected) and Great Britain 60. In 1914 the number of submarines completed was—Germany 24, France 50 and Great Britain 69.—*Admiralty Return of British and Foreign Fleets, 1908, 1914.*

Germany introduced poison gas as a new weapon in April 1915. The Allies took up the challenge and thereafter the struggle between the chemical services became intense. Towards the close of hostilities it became apparent that the initiative in the use of gas had passed to the Allies. Both in variety and abundance of supply and in protective appliances they possessed an undoubted superiority.[3] The German High Command would willingly have dispensed with the weapon they had created if the Allies had been prepared to do likewise.[4] Rumours of the introduction of new gases, together with the realisation of their inferiority in this branch of warfare, helped to accelerate the demoralisation of the German Army and to hasten the end of the struggle.[5] Thus the new competition had recoiled with a vengeance upon its instigators.[6] The boomerang had found its mark.

Competition in armaments is therefore a double-edged weapon which in the hazard of war may be turned against the nation or nations which had sought to use it for its own ends.

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[1] "Existing methods of dealing with them were insufficient. . . . It was obvious that unless some new and effective form of defence could be devised the defeat of the Allies was in sight."—*E.B.*, 14th edition, Vol. XXI, p. 498.

[2] "If Germany had had four times as many submarines at the beginning of the war than was in fact the case, she would have gained a great advantage and placed us immediately in serious danger."—Churchill, *The World Crisis, 1915*, p. 281.

[3] Lefebure, *The Riddle of the Rhine*, p. 77; J. B. S. Haldane, *Callinicus*, p. 23.

[4] Cf. Fries and West, *Chemical Warfare*, p. 399.

[5] Cf. Haldane, *Callinicus*, p. 48. Fries and West, *Chemical Warfare*, p. 415.

[6] Haber (see chap. VIII, p. 316), who invented "Yellow Cross," warned Ludendorff not to use it unless he was sure that the war would be over in twelve months, as by that time the Allies would be able to manufacture the compound. Ludendorff took the risk.—General Hoffmann, *The War of Lost Opportunities*, pp. 179–180.

XVIII

Attempts to Limit Competition

IT was hoped that lessons would be learnt from the tragedy of the world war which would put an end to military and naval competition when the effects of the application of modern science to war had thus been clearly demonstrated. These hopes, however, have unfortunately not been fulfilled. Even amongst those nations which fought side by side to uphold the sanctity of international engagements and defeat militarism new competitions have sprung up which, unless they are nipped in the bud, may even surpass the old ones. The nations which so fiercely denounced militarism and all its ways now bring their offerings to the Temple of Mars.[1] America, which has doubled her Navy since 1914, enters into a naval race with Great Britain and Japan.[2] A halt is called at Washington in 1921, and battleships and aircraft-carriers are ordered off the track, the former having become too costly to build and too clumsy to operate. Consequently, competition is now confined to cruisers and auxiliary craft. But it still goes on,[1] and if the pundits who proclaim the virtues of ultra-sovereignty have their way the battleship class may be included once more.[2] France, pinning her faith to the submarine, refuses to withdraw this entry in spite of vehement protests from the British handicappers. She also insists upon an air programme which is regarded as a menace by Great Britain, who gallantly responds by voting fresh millions for this new kind of dangerous entertainment which is to decide the supremacy of the air.[3] At Washington the poison gas contingent was warned off the course,[4] but in the privacy of their own grounds and under military patronage they still carry out their programmes and back their own winners.

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[1] "The most definite result of the Peace Congress is that it has, in contradiction of all its hopes, brought about the final triumph throughout the world of the militarism which for five years the Allied governments never ceased to curse in their solemn proclamations."—Le Bon, *The World in Revolt*, p. 240.

[2] "In his St. Louis speech of February 3rd, 1916, President Wilson demanded that the United States have 'incomparably the most adequate Navy in the world.' His demand was echoed by Congress in the Navy Bill passed in August of the same year."—Buell, *The Washington Conference*, p. 141. The result was the American-Japanese naval race of 1917–1921, in which years "the Japanese expenditure on their navy rose from roughly £19 million per annum to £54½ million, and if their programme had been fulfilled it would have cost them in 1927 the sum of £85 million. The cost of the United States Navy rose from £27½ million in 1914 to the stupendous figure of £94 million in 1921, and if the Washington agreement had not stopped the race, it would certainly have risen still more."—Baker, *Disarmament*, p. 22. Cf. Buell, *op. cit.*, pp. 139–140. Great Britain on the other hand did not lay down a single capital ship in the five years preceding the Washington Conference. She declared in March 1920 that henceforward she would be content with a one-power standard, disposed of two hundred ships of her navy and reduced its personnel by a fifth.—*Id.*, p. 142.

What has the League to say to these proceedings? Has it been able to arrest the competitive mania, or to proceed with the process of disarmament contemplated in Article 8 of the Covenant? Year after year each Assembly listens to the sterile reports of the Disarmament Commissions which, it must be admitted, constitute a dreary record of ten years of failure. The "major force" has not yet been enlisted in the service of justice, and the League is powerless to intervene. It remains, however, as the mobilising centre for future action. It has created a Disarmament Section of the Secretariat which is permanently engaged upon this problem.[5]

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[1] "There is at the present moment a naval competition going on almost as intense and almost as costly as that which was ended by the Washington Conference."—Baker, *Disarmament*, p. 174.

[2] See note 3, p. 287.

[3] "However improbable war may be, none the less a country like ours cannot afford to be in so vulnerable a position . . . an Air Force must be built up sufficient to defend these shores from any possible air attack."—Sir Samuel Hoare, February 19th, 1924, *Commons Debates*, 5th Series, Vol. 169, Col. 1665.

[4] See chap. III, p. 149.

[5] The Disarmament Section of the Secretariat was created as a Joint Secretariat for the two League Commissions on Disarmament—the Permanent Advisory Commission provided for in Article 9 and the Temporary Mixed Commission. The existing personnel consists of a director and a staff of thirteen. The Temporary Mixed Commission ceased to exist in 1924.

The seed has been sown. It may grow into the tree of sanctions or it may be ruthlessly uprooted. In any case it represents the only tangible manifestation of a revolt against the competitive system, small and insignificant though it may be. At present its sole weapon is the moral prestige of the League. Like David with his sling and stone, it faces the Goliaths of the War Offices and Admiralties, a spectacle which may excite derision in the minds of the militarists, but rich with promise for the future. When public opinion has recognised the futility of competition it is possible that the sword and armour of the giant may be handed over to the custodians of international justice. The discoveries which science may still present to war must also be placed beyond the reach of any national war establishment: they must be put at the disposal of the international authority.

XIX

Conclusion

THIS, then, is the new war in peacetime, and the preparation for the next struggle, which the advent and exigencies of modern warfare have intensified to a degree hitherto unknown. Here is a competition unmodified and unlicensed, which seeks to transform the products of peaceful industry into the mechanism of war. The world witnesses the spectacle of another competition in the economic sphere which strives to expand the production and wealth of the nations. The former, arrayed in the garments of ultra-sovereignty, directs the forces of science for destructive purposes. The latter, modified by elements of co-operation, directs the same forces for creative purposes. One is concerned with depriving the inhabitants of the globe of their lives and means of existence, whilst the other endeavours to increase their prosperity and means of subsistence. Both competitions are mutually destructive in the sense that the militaristic derives its nutrition from the economic. It is a parasite which, after thriving upon its prey, ruthlessly destroys the very source of its existence.

In future, unless the nations determine otherwise, these competitions will continue side by side—one impoverishing and spendthrift; the other enriching and frugal. It may well be asked when these conflicting forces have expanded themselves to the extreme limit whether there will be on balance any margin left on the credit side to provide for the daily necessities or even the continued existence of mankind. The peoples of the world appear to be content with the unending and ceaseless struggle. Swollen armament budgets, lack of fresh capital for the expansion of industry, unprecedented taxation and financial stringency, resulting in unemployment on a vast scale, are borne with stoical indifference. The citizens of each State complacently pay their taxes and endure their burdens in the sure and certain knowledge that they are laying the foundations of another world war, it may be fifty, eighty or a hundred years hence. They submit to all these evils when the alternative stares them in the face. They have only to create a joint insurance fund in the shape of an international police force, armed with those modern weapons which for the first time in history science has placed at their disposal. When this has been accomplished the experts will be held in awe. Their competitive schemes will come to naught because they will no longer be required, and at last the assets side of the balance sheet will accumulate at an unprecedented rate.

CHAPTER VIII

THE DIFFERENTIATION OF WEAPONS

"It is our duty to make use of the Mechanism of Nature for the realisation of perpetual peace."—IMMANUEL KANT.

I

War and Humanity

THE meaning of human existence is the eternal riddle of all the ages and most men at some moment in their lives are brought face to face with this mystery. During the years of the Great War it obtruded itself incessantly wherever men were engaged in the primeval pursuit of destroying one another—in the trenches, in the desert and on the high seas. They could not fathom the Intention, but they felt instinctively that there must be some objective towards which mankind has marched throughout the centuries. They may have defined this ideal in various ways, whether in the spiritual, moral, scientific, literary, artistic, economic or political spheres. But they were convinced that Fate had prescribed for man the law of progress, and that unless this law operated there could be no meaning in civilisation or even in life itself. If the human being was simply the plaything of Fate; if the thoughts, actions and achievements of the millions of men and women who had inhabited this planet counted for naught, if the universe had been designed without a moral purpose, there could be no objection to the extinction of the human race. On the other hand, if an inscrutable purpose had been ordained towards whose realisation the whole Creation moved slowly and imperceptibly; if man, endowed with reason though swayed by passion, was intended to play his part; if

Fate, inspired by a moral sense, had planned the structure; then civilisation must be saved and the continued existence of mankind became a necessity.

This is Fate's "Grand Design" and belief in its fulfilment is the product of instinct rather than of reason. Nevertheless, it has inspired countless thousands to deeds of heroism and unselfish sacrifice. It is the guiding star of hope which knows no frontiers. It transcends the petty conceptions of sovereignty and nationalism because it proclaims the gospel of "one and inseparable"[1] to all the nations of the earth. It possessed a real meaning for millions who fought in the Great War. They were engaged in the war to end war, surely not an insignificant part of the Grand Design. They were led to believe that when victory had been won militarism would be destroyed and the foundations of permanent peace would be laid. Thus their sacrifices, so cheerfully endured, would be recompensed, and good would come out of evil.

Regarded from this standpoint, the war assumes a different character. Judged from any other it is simply unintelligible. As a tragedy in the evolution of the Grand Design it might prove to be a blessing in disguise instead of being an unmitigated curse.

II

The Lessons of the War

IT has been shown in the preceding chapters that the solemn promises evoked by the stress of war have not been redeemed and the debt to the Unknown Warriors of all nations has not yet been discharged. The results of the struggle embodied in the peace treaties have been disproportionate to the price paid in anguish, lives and treasure. It is true that the war may represent another stage of the journey towards the citadel of permanent peace. This has been decreed by Fate. But the distance to be covered during the stage had to be decided by man.

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[1] See p. 216, note 2.

The application of reason, untrammelled by passion, prejudice or preconceived theories, to the lessons of the war might have carried him much further on the road, even though it did not enable him to reach the ultimate goal.

A great statesman and an ardent advocate of peace warned the nations that they must "learn or perish."[1] Two lessons, at least, were not appreciated. The first, writ large upon the pages of the Grand Design and illustrated by the history of every civilised community, was that a righteous and lasting peace cannot be secured until Right is reinforced by Might. The second lesson was that, for the first time in history, science had placed at the disposal of man new and powerful weapons which, if handed over to the international authority, would provide it with an efficient sanction for the enforcement of international law. The first was derived from human experience extending over centuries. The second was a product of the World War, lasting for only four years. During this short period of frenzied effort it was clearly demonstrated that the character of warfare had changed, and that the application of science to the business of war had endowed it with new killing agencies hitherto untried. But these weapons, introduced for purposes of mutual destruction, were capable in the hands of an international authority of being transformed into the custodians of peace. Instead of being a menace to the continued existence of every civilised community, they might be converted into an international sanction to enforce the decrees of justice and to deter the aggressor from the crime of war.

Experience had already shown that the national forces armed with pre-war weapons were sufficiently powerful to maintain law and order within the States or territories in which they were used for police purposes. Never before had the opportunity presented itself of constituting an international police force without impairing the military resources required by every country for the administration of municipal law and its internal security. To perform this function satisfactorily, it was not essential that these new weapons should be handed over to the national governments. At the same time, the transference of all the new engines of war to the international authority would confer upon it an unassailable superiority should it be compelled to exert pressure upon a recalcitrant State. This was the great "revelation" of the war, and it rests upon the principle of the differentiation of weapons.

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[1] Viscount Grey, *Twenty-Five Years*, Vol. II, p. 277. See p. 307, note 4.

III

The Factors of Violence

"WAR is an act of violence"[1] and the degree of violence is governed by three factors—the morale, training and discipline of the forces employed, the numbers engaged[2] and the character of the weapons with which they are equipped. Apart from considerations of strategy and tactics, superiority in these three elements constitutes the test upon which the issue is decided. The forces on one side may outnumber those on the other, but this disparity may be more than counterbalanced by the morale and training of the troops or by the superiority of their equipment.[3] Hordes of savages armed with primitive weapons stand little chance of defeating a small, well-disciplined force equipped with rifles and machine guns. Under certain conditions it is conceivable that a single aeroplane armed with bombs might stampede an entire army of horse and foot accoutred with the weapons of a hundred years ago. The failure of the " Russian Steamroller " to make headway during the early stages of the war was mainly due to the lack of modern weapons,[1] and superiority in numbers, even when supplemented by the most conspicuous bravery, did not suffice to overcome this handicap. On the other hand, there are instances where inferiority in arms has been more than compensated by morale and training[2] or by a superiority in numbers.[3]

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[1] Von Clausewitz, *On War*, I, 1. i. See p. 6, note 2.

[2] "Providence is always on the side of the last reserve."—Napoleon.

"It is said that God is always on the side of the heaviest battalions."—Voltaire.

[3] The victorious armies of Kublai Khan were equipped with all the most up-to-date appliances of war, including ballistas and other engines for siege work.—Ballard, *Influence of the Sea on the Political History of Japan*, p. 21.

"When Europe began to apply the resources of the workshop and the laboratory to the requirements of fleets and armies, and war became a science rather than an art, Asia had gradually dropped behind and by the nineteenth century the difference had become so marked that no oriental State counted as even a second rate power."—*Id.*, p. 175.

Consequently, in the past it has not always been possible to determine accurately the relative values of these three factors. They have varied according to the conditions and circumstances of the conflict. It is clear, however, that in arriving at a decision each has played an important part. Since, however, science has multiplied the number and potency of weapons it is probable that in future superiority in armaments will increasingly become the deciding factor. The relative importance to be attached to morale and numbers will be completely overshadowed by this new development in the art of war.[1]

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[1] " This army was formidable on paper. Unfortunately in strength it was only a third of the war establishment. . . . I estimated the total strength of the Russian army on the Western Frontier at the commencement of the winter of 1915–1916 at only 650,000 rifles, 2,590 machine guns and 4,000 3-in. field guns. Six hundred and fifty thousand rifles to defend a front that . . . was not far short of one thousand miles."—Major-Gen. Sir A. Knox, *With the Russian Army*, p. 348.

" Unarmed men had to be sent into the trenches to wait till their comrades were killed or wounded and their rifles became available."—*Id.*, p. 270. Cf. pp. 216–219, 288 and 318–319.

[2] In the fifteenth century the comparatively unarmed mountaineers of Switzerland signally defeated Charles the Bold and the flower of the chivalry of Europe in the battles of Granson, Morat and Nancy.—*E.B.*, 14th edition, Vol. XXI, p. 678. Cf. pp. 673–674.

Nearly two thousand years before, the Macedonian phalanx was the backbone of the armies of Philip and Alexander, forming an impenetrable hedge of spears to cavalry attack.—*Id.*, Vol. V, p. 67.

[3] At Isandhlwana on January 22nd, 1879, a British force about 2,000 strong was overwhelmed by a Zulu force of 10,000.—*E.B.*, 14th edition, Vol. XII, p. 703.

IV

Character of Weapons the Distinguishing Feature between Military and Police Forces

THE police function is another form of violence prescribed within certain limits defined by law. The efficiency of a police force is also governed by the same considerations, namely, morale, numbers and weapons, but, contrasted with military establishments, the relative values of these factors may differ in degree.

The constabularies in most countries are lightly armed with truncheons, sabres, revolvers and carbines.[2] The stronger the sense of security, the less powerful are the weapons employed, and if the community is law-abiding greater reliance is placed upon the morale of the force than upon its equipment. Morale is the product of public opinion.[3] No police armed with truncheons could function effectively or would be willing to encounter the risks unless it was solidly supported by public opinion,[1] just as no army can retain its morale if the " home front " has crumbled away and the nation has lost confidence in the issue of the struggle.

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[1] In criticising Lord Esher's plan for the reduction of armaments, a French military expert asserted " that, in calculating the efficiency of a military force, French experts were accustomed to give only one point to their numerical strength, as against six points to the weapons and material with which they were equipped."—Baker, *Disarmament*, p. 89.

[2] The English policeman carries a light wooden truncheon incapable of inflicting serious damage. In France the active police are armed with swords.—*E.B.*, 11th edition, Vol. XXI, p. 980. The pre-war German policeman was more heavily armed. At night he carried, in addition to a heavy sword, an automatic pistol strapped outside his coat.—R. B. Fosdick, *European Police Systems*, p. 231.

Police armaments more effective than these are rare in civilised countries. They are resorted to only in cases of great emergency as, for instance, when specie is being removed or gangs of criminals have to be encountered. On these occasions escorts and police armed with machine guns and tear-bombs may have to be requisitioned.

In America lachrymatory gas has also been used to repel a mob attack. For example, on December 11th, 1929, a mutiny broke out at the New York State Prison at Auburn. Tear-gas was transported to the " battle area " by 'planes and was used by troopers in attacking the buildings.—*Illustrated London News*, January 11th, 1930. The Paris police have also employed gas against criminals of the more dangerous and violent type—bandits, etc.—*Illustrated London News*, September 22nd, 1928.

[3] " The internal peace of every country depends upon the knowledge that force is available to uphold law. The greater the consensus of opinion in any country that force should be used for this purpose, the less

On the other hand, in times of emergency and in the presence of tumult and riot, the military authorities may be called upon to assist the police.[2] The former are armed with more potent and lethal weapons, and on this account can therefore exert greater pressure upon the disturbers of the peace. But they are always kept in the background ; they are held in reserve and do not obtrude themselves upon the public vision until the critical moment has arrived.[3]

It is also true that despotic or autocratic regimes may exploit the exigencies of national defence as a pretext for increasing the military forces in order to exercise greater power over their own people. In these cases the dividing line between the constabularies and the military forces, displayed in the character of their weapons, tends to become ill-defined. The existence of the Carabinieri and other hybrid forces in Italy is an example.[4]

In territories inhabited by barbarous peoples, where public opinion is either non-existent or hostile to the

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occasion there will be for the use of force and the more settled and sure will be the internal peace of that country."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 277.

[1] See chap. 1, p. 36.

[2] In France six central brigades of ex-soldiers, well-drilled and equipped with rifles, are held in reserve to reinforce the police.—*E.B.*, 11th edition, Vol. XXI, p. 980.

[3] In the General Strike of May 1926 there was only one active display of military force. On May 8th a large consignment of food was convoyed by armoured cars from the Docks to the food depot in Hyde Park.—*Annual Register*, 1926, p. 52.

[4] The Italian Carabinieri are a force of military police recruited by selection from the Army and remaining in the Force for three years. They then serve in the Carabinieri Reserve for four years, when they are transferred to the territorial militia for the remainder of their service and are reckoned as part of the Army. In 1927 they numbered 60,000.—*Statesman's Year Book*, 1929, p. 1018.

administration, it is considered necessary that the policing forces should be heavily armed if they are to maintain the majesty of the law and the authority of the executive.[1] Moreover, it is clear that the more highly civilised the community becomes, the more powerful are the weapons which it allocates to its military and naval forces, whilst the equipment of its constabulary is reduced to the barest necessities.

Thus the principle of differentiation represents no new departure, and its adoption has been recognised as the distinguishing feature between the constabularies and the military forces of all countries. It may therefore be asserted that, with few exceptions, the character of the weapons constitutes the outward and visible difference between the military and police forces.

It follows that morale, the numbers employed and the nature of the equipment are three indispensable factors in the functioning of any police force, and that these assume relative values according to the circumstances surrounding each particular case. As a general rule, it has been found possible to differentiate between the weapons entrusted to the constabularies and the equipment of the military forces, because in the former greater reliance has been placed upon the element of morale or public opinion with a corresponding diminution of the importance attached to their arms. This principle has already been recognised by all civilised nations and is reflected in the administration of municipal law.

The time has arrived when the scope of differentiation can be extended. It can now be applied to the national armouries in order to provide a sanction for international law. A new category of weapons has emerged upon the scene whose origin is directly attributable to the application of science to the military problems of the Great War.[1] These may now be handed over to the international authority.

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[1] "The high power rifles, Stokes mortars, and gas bombs of the Philippine Constabulary. . . . The Philippine Constabulary is regarded, and at times acts, as an army in hostile occupation."—R. Hayden, "What Next for the Moro," in *Foreign Affairs*, July 1928.

V

Kant's Prophecy

A LITTLE over a century and a half ago Kant declared that the time would come when, in sheer self-defence, man would be forced to organise his resources to secure permanent peace. He pointed out that this consummation would be brought about through the "self-seeking propensities of man," guided by reason and aided by the "mechanism of Nature."[2] The "self-seeking propensities" have prompted man to delve into the secrets of Nature and, by means of discoveries and inventions, he has sought to increase his wealth and prosperity. The application of reason to the mechanism of Nature has thus expanded the scope of his creative faculties, and this process has proceeded at an accelerated rate during the last hundred years. The results of the partnership between the self-seeking propensities and the mechanism of Nature, expressed in the application of science to industry, have changed the face of the globe. They have revolutionised the industrial life and economic conditions of almost every country and their effects have been felt in the remotest parts of the world. Then, suddenly, within the space of a few years, the cumulative results of this partnership have been diverted from creative into destructive channels. Science, hitherto applied to the arts of peace, has been harnessed to the chariot of war. It is used to destroy the structure which it had so laboriously built up and to uproot the means of human existence which it had taken such pains to augment.

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[1] "Wars have hitherto been conducted by infantry, cavalry and artillery, and these are the three recognised arms of the Service. It has also been observed with some truth that 'the infantry is the army and uses the other arms as its adjuncts.' Whichever way the question is viewed, it is clear that there are no means of obtaining an overwhelming superiority sufficient to enable a continuous advance to be made by any developments which it is in our power to make in the infantry, cavalry and artillery of 1919. However, in the present war, at least four new arms of the highest consequence have come into being, viz.: Aeroplanes, Tanks, Gas and Machine Guns. If we are to obtain the necessary superiority and the means of effective progression against the enemy, it can only be by developments of a far-reaching character in these new methods of warfare. And let it here be observed that every one of these four new arms has already played or shown itself capable of playing a decisive part in the present war, in spite of the fact that they have only been tardily and partially and doubtingly developed."—Churchill, *The World Crisis, 1916–1918*, pp. 396–397.

[2] "Hence the mechanism of nature, working through the self-seeking propensities of man (which of course counteract one another in their external effects), may be used by reason as a means of making way for the realisation of her own purpose, the empire of right, and, as far as is in the power of the State, to promote and secure in this way internal as well as external peace. We may say, then, that it is the irresistible will of nature that right shall at last get the supremacy."—Immanuel Kant, *Perpetual Peace*, trans. Smith, p. 155.

Kant foresaw some such catastrophe, for he alludes to " the great graveyard of the human race,"[1] which is bound to be the inevitable result of this transformation of peaceful industries into the satellites of war. " But," he says, " the problem is to learn how this mechanism of nature can be applied to men."[2] The Great War constituted the object lesson. It was the laboratory in which the scientists of all countries tested the efficacy of their destructive agencies on a vast scale. Never before had there been such a wonderful opportunity of proving the practicability or otherwise of their discoveries in the realm of slaughter. Theories and inventions may be produced in peacetime, but their real efficiency cannot be gauged until violence is let loose. The conflict came to an end before all the tests had been exhausted,[1] but a sufficient number had been completed to add for all time a batch of new weapons to the national armouries. The discoveries and tests, once accomplished, cannot be relegated to oblivion by any international resolution or fiat. They remain a heritage which this generation will hand down to its successors for weal or woe.[2]

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[1] " A war of extermination, where the process of annihilation would strike both parties at once and all right as well, would bring about perpetual peace only in the great graveyard of the human race. Such a war then, and also the use of all means which lead to it, must be absolutely forbidden."—Immanuel Kant, *Perpetual Peace*, trans. Smith, p. 115.

[2] " Such a problem must be capable of solution. For it deals, not with the moral reformation of mankind, but only with the mechanism of nature: and the problem is to learn how this mechanism of nature can be applied to men, in order so to regulate the antagonism of conflicting interests in a people that they may even compel one another to submit to compulsory laws and thus necessarily bring about the state of peace in which laws have force."—*Id.*, p. 154.

The experiences of this stupendous struggle demonstrate to mankind how the mechanism of Nature, guided by the reason and intelligence of man, can be scientifically organised " to bring about the state of peace in which laws have force." [3] This achievement is possible when nations agree to recognise the principle of differentiation and to apply it to those weapons which are manifestly the product of this scientific age.

Since the days of Kant, science has placed at man's disposal powers which were never even contemplated in his generation, with the result that in the twentieth century mankind is brought face to face with a new problem.[4] His prophecy has, therefore, a peculiar significance in these times, even though he may not have visualised the new weapons arising out of the discoveries of modern science and their application to the art of war.

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[1] Cf. Churchill, *The World Crisis, 1916–1918*, p. 510.

The new gas, Lewisite (see p. 42, note 1), was developed too late in the war to be put to practical use.

[2] " No powerful weapon of war has ever been abandoned once it proved its power unless a more powerful weapon was discovered."—Fries and West, *Chemical Warfare*, p. 371.

[3] Immanuel Kant, *Perpetual Peace*, trans. Smith, p. 154. See chap. II, p. 93.

[4] " To-day civilised man is confronted by immensely changed conditions. They are due, in the main, to his own discoveries in the region of science. In the last hundred years he has eaten more fruit of the Tree of Knowledge than any previous generation of which there is record. He has acquired unprecedented power over the processes of nature. He can move by air, land or water with hitherto unheard-of speed. He has facilities for incessant communication that heretofore have been unknown. Whether he will control the use of all these things so as to make them serve and not injure his physical and mental capacity and welfare is a speculation that goes beyond political enquiry. ' Knowledge comes, but wisdom lingers,' wrote Tennyson, at a time when thought was being enlarged and exhilarated by the discoveries of science. In one respect, however, these discoveries confront man with a definite

It is pertinent to enquire whether the nations realise the implications and the issues which are involved. Do they propose to utilise these powerful agents as a means of preserving peace and of providing sanctions against the recurrence of war or do they still intend to use them for mutually destructive purposes, which in the end are bound to annihilate civilisation ?

VI

The Application of Science to War

THE inventions of steam and electricity, the discoveries in chemistry and the progress in engineering have already completely changed the conditions of society both from the national and the international points of view. The results of research in pure science have for many years past been applied to industry and the arts of peace. As such, they have been an immeasurable blessing to the human race, and have enabled mankind to produce wealth at an accelerated rate and thus to provide for the wants of the evergrowing population of the globe.

The application, however, of these new discoveries to the art of war has progressed much more slowly. Apparently their potentialities in this direction were not realised until about the beginning of the twentieth century and especially during the twenty years which followed. The Great War provided the stimulus which opened the eyes of men in all countries to the enormous possibilities existing in this hitherto unexplored territory. It is remarkable that so little progress was made in the

political problem. 'War' is the same word as it was a century ago, but it is no longer the same thing. It used to imply a contest between armies ; it will henceforth, by common consent, mean the destruction, by chemical agencies, of the crowded centres of population ; it will mean physical, moral and economic ruin. It is necessary, therefore, that by common consent war should be avoided.''—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 276.

discovery of new or the improvement of old weapons during the eighteenth and nineteenth centuries. It may be laid down as a general proposition that, in comparison with recent developments, the equipment of armies remained static during this long period.[1]

From 1688 to 1815 there was constant warfare in Europe.[2] Yet at the conclusion of the Napoleonic Wars the character of the weapons had scarcely changed and no new engine of destruction had been added to the list.[3] Even the fertile brain of the "Great Commander" had failed to revolutionise the machinery of war. His armies emerged from the struggle equipped with practically the same types of arms as had been employed by the victorious armies of Marlborough. At a later date, during the Crimean War, the results obtained from the use of cannon were not immeasurably greater than those derived from the employment of the battering ram. The use of the rifle and musket had not appreciably altered the tactical disposition of troops in close formation, and hand-to-hand fighting was still the rule rather than the exception.

In comparison with a much shorter period a century later, from 1900 to 1918, what a contrast! In these latter days the Christian nations vied with each other in prostituting the discoveries of science on the altar of Moloch. What a gruesome testimony to the efficiency and adaptability of modern science! The scientific spirit manifested itself in the navies before it donned the uniforms of the armies. Naval armaments grew apace after 1860. The first duel of ironclads took place during the American Civil War between the *Monitor* and the *Merrimac* in 1862,[1] and the old "wooden walls" were immediately recognised to be obsolete. The Dreadnought arrived on the scene in 1905–1906, and there was a corresponding expansion, not only in tonnage, but also in armaments, calibre of guns and all the other paraphernalia which go to make up the complicated structure of a modern war vessel.[2]

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[1] "For hundreds, indeed for thousands of years, the arms used in warfare hardly changed. Even the introduction of gunpowder made little difference for several centuries, either in the nature of war or in the destructiveness of military operations. The rifles used by infantry remained no more than an improved bow and arrows: the cannon were only a more effective form of the mediæval battering ram. Even throughout the Napoleonic period, in spite of its prolonged and large scale operations, armament remained static: not a single new weapon was introduced from the beginning to the end."—Baker, *Disarmament*, p. 39.

[2] "Between the Revolution and the Battle of Waterloo it may be reckoned that we waged seven great wars, of which the shortest lasted seven years and the longest about twelve. Out of a hundred and twenty-six years, sixty-four years, or more than half, were spent in war."—Sir John Seeley, *The Expansion of England*, p. 20.

[3] "Till the Crimea our troops had practically the same weapon as was used at Blenheim, warranted not to kill at 250 yards."—T. Miller Maquire, *General Carl von Clausewitz on War*, p. 35.

Applied science had raided this territory before it turned its attention to the military forces, but even on land there were faint glimmerings of the changes to come. For instance, the breech-loading Dreyse needle gun was used by Prussian troops in 1848, the magazine rifle made its appearance in 1884, whilst in 1889 Hiram Maxim patented the first successful automatic machine gun.[3] The Boer War demonstrated the devastating possibilities of the modern rifle and to a lesser extent of artillery. In 1905 the value of the howitzer in attacking entrenched positions was displayed in the Russo-Japanese War,[4]

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[1] March 9th, 1862. See P. Greg, *History of the United States*, Vol. II, pp. 278–280; H. W. Wilson, *Ironclads in Action*, Vol. I, chap. 1.

[2] But even the *Dreadnought* would now be regarded as obsolete, as a comparison with the *Hood* shows:

	Dreadnought	*Hood*
Displacement . .	17,900 tons	41,200 tons
Armament . .	10 12-in. guns	8 15-in. guns
	24 12-pounders	12 5.5-in. guns
	5 18-in. submerged tubes	6 21-in. tubes
Belt Armour . .	11-6-4 ins.	12-6 ins.
Horse Power . .	27,500	144,000
Speed . . .	21·85 knots	31 knots
Cost . . .	£1,813,000	£5,843,039
Complement . .	770	1,341

[3] *E.B.*, 14th edition, Vol. XX, pp. 803–806.

[4] *Id.*, Vol. II, p. 467.

whilst the aeroplane made its first military appearance in Mexico and Tripoli during the campaigns of 1911.[1]

The German Staff was not slow to profit by these lessons, with the result that at the outbreak of the war they possessed a marked superiority in heavy howitzers and in the plant and machinery for the production of guns and ammunition. Consequently, in the early stages of hostilities the Allies found themselves at a disadvantage in these respects.[2] Once the true significance of the change in the character of weapons was realised, scientists and industrialists were mobilised to supply the requirements of the armed forces. Aeroplanes were produced by the thousand: armoured cars, followed by tanks, howitzers and guns, machine guns, mortars, bombs, shells and small arms of every description were manufactured in prodigious quantities. The employment of poison gas introduced a new and potent form of ammunition which imposed increasing demands upon the chemical resources of every belligerent.

The needs of the navies increased by leaps and bounds. Minefields were laid on a vast scale, whilst the construction of new ships and guns proceeded at high pressure. Industrial communities were transformed into gigantic arsenals and thus the chariot of war, driven by the demon of science, madly careered through a demented world. The military leaders stood aghast:[3]

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[1] *E.B.*, 12th edition, Vol. XXX, p. 16.

[2] "In heavy guns and howitzers, high explosive shell, trench mortars, hand grenades, and much of the subsidiary material required for siege and trench warfare it (the British Army) was almost wholly deficient."—Brig.-Gen. J. E. Edmonds, *Military Operations: France and Belgium*, p. 11. "From the beginning of the battle of the Aisne up to the close of the battle of Loos at the end of 1915 the scanty supply of munitions of war paralysed all our powers of initiative, and at critical times menaced our defence with irretrievable disaster."—Field-Marshal Viscount French, *1914*, p. 347.

[3] "When the opposing armies had dug themselves in from Switzerland to the sea, no one was more perplexed than Kitchener. 'I don't know what is to be done,' he said to me more than once, 'this isn't war.'"—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 69.

the control of events had slipped out of their hands. Confronted with these new developments of the "mechanism of Nature," the pre-war conceptions of strategy and tactics had to be overhauled. The military experts resented the intrusion of this new warrior, and grudgingly accepted the novel weapons he placed at their disposal.[1] Bound with the cords of military tradition and devoid of imagination, they allowed two priceless opportunities to pass of escaping from the war of attrition. The German Staff failed to appreciate the potentialities of poison gas,[2] whilst the British High Command at a later date were unable to grasp the possibilities of the tank.[3] Had both these weapons been used as a strategic surprise on a vast scale and under the most favourable conditions, it is possible that a decision might have been reached earlier in the proceedings.[1]

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[1] "The high military authorities of all countries belonged to the same school of thought. The revelation (tanks) passed unappreciated by the German Command."—Churchill, *The World Crisis, 1915*, p. 90.

In the same way the committee of British naval officers appointed to report on the advisability or otherwise of introducing steam-engines into the navy had condemned them in unmeasured terms as dangerous inventions.—Ballard, *Influence of the Sea on the Political History of Japan*, pp. 69–70. Further instances are cited.

[2] "It is very much to be regretted that this idea of Geheimrat Haber was not carried out. If you take for granted that from the first he had come upon somebody with the necessary understanding and that a large quantity of ammunition filled with gas substance had been secretly prepared, that at some great fight to break through the line in the West it had suddenly been employed—at a time when the enemy still knew nothing of the danger of gas attacks and gas masks had not been introduced—then it is scarcely possible to imagine the success it would have had."—General von Hoffmann, *The War of Lost Opportunities*, p. 103.

"Had that attack been more severe, the outcome of the war of 1914 would have been very different, and the end very much earlier."—Fries and West, *Chemical Warfare*, p. 10. Cf. Lefebure, *The Riddle of the Rhine*, p. 111.

[3] "The first stroke of genius delivered in the war was the use the Germans made of gas on April 22nd, 1915, and the second the use we made of tanks on September 15th, 1916; both failed through want of a scientific grasp of war."—Fuller, *Tanks in the Great War*, p. 302.

"The first twenty tanks . . . were improvidently exposed to the enemy at the battle of the Somme. The immense advantage of novelty and surprise was thus squandered while the number of tanks was small. . . . This priceless conception, containing, if used in its integrity and on a sufficient scale, the certainty of a great and brilliant victory, was revealed to the Germans for the mere petty purpose of taking a few ruined villages."—Churchill, *The World Crisis, 1915*, pp. 89–90.

As the war proceeded the importance of the character of the weapons as a decisive factor became more pronounced, and as the resources of the Allies in the machinery of war increased, so the morale of their opponents declined. The hopeless theory of attrition, invented to cover up the impotence of the staffs, and based on the idea that numbers counted for everything, was eventually abandoned even by the experts, but not before it had cost the belligerents millions of priceless lives and valuable treasure.

The conditions resulting from the application of science to war, long since foreshadowed by Wells and Bloch,[2] had at last materialised, and the "mechanism of Nature" held the military commanders in its grip. A fresh page had been written in the history of strategy and tactics.

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[1] A third instance where the value of a weapon was lessened by its improper use is furnished by the German U-boat war. "From the very beginning I was only afraid that we might commence the U-boat war too soon, that is to say we would not have sufficient submarines to be able to continue this warfare. . . . We began too soon, that is, with too few U-boats, and the results were very similar to those produced by our gas warfare. We showed the adversary what a dangerous weapon we possessed at a time when the weapon was not strong enough to prevent him from taking the necessary measures to defend himself from it. I do not doubt that it would have been possible for the U-boat warfare to have had a complete success if from the beginning of the war we had applied all our available power to the construction of innumerable submarines."—Von Hoffmann, *The War of Lost Opportunities*, p. 156.

[2] In two remarkable novels, *The War of the Worlds* and *The War in the Air*, Mr. H. G. Wells, early in the century, graphically depicted the warfare of the future, in particular the use of aircraft. The war of 1914 was to some extent the fulfilment of his visions. In 1897 M. Bloch, a Polish banker, had predicted that in the next war everyone would be entrenched and that the spade would be as indispensable as the rifle. He had, too, appreciated the fact that, whole nations being involved in modern warfare, the problem of food supply was vital. "Soldiers," he said, "may fight as they please; the ultimate decision is in the hands of famine."—Col. J. F. C. Fuller, "The New Elements in Warfare," in *Universal History of the World*, pp. 4797, 4800.

The close of hostilities has not banished the new demon of scientific research. He still relentlessly pursues his investigations behind locked doors, patiently waiting for the next great war, when he may again be able to test his theories and discoveries in the slaughterhouse of mankind.[1] But if in the meantime the weapons he has already forged are subjected to the process of differentiation and if his most recent achievements are handed over to an international authority, he will divest himself of his Satanic garb and once more devote his energies exclusively to the arts of peace.

VII

New Weapons are the Result of Peace Inventions and Discoveries

IF war is the precursor of peace, it is equally true that the seeds of war are sown in peace. To ambitious rulers or warlike nations every scientific discovery, even though it may be achieved for the advancement of peaceful industry, may be regarded as a new weapon wherewith to exploit their nefarious policies and their noxious plans. No limit can be placed upon the liaison between industry and war, and these two activities have become indistinguishable. The man who endeavours to increase the productive agencies of his country through the application of scientific processes to industry may in reality be sketching the plans of a vast graveyard for his fellow-countrymen. When Stephenson designed his first engine he could not have foreseen that this puny locomotive would become the ancestor of vast railway systems designed for military and strategic purposes, which would make it possible to mobilise and feed millions of men at short notice and pour them across a frontier hundreds of miles away. Nor did he realise that the mobility he had conferred upon huge masses of armed men would compel the nations to conscript their entire manhood and womanhood to supply these soldiers with food, weapons and ammunition. When Faraday and others harnessed electricity to the service of man they did not contemplate that, in addition to bestowing a priceless boon upon the world, they had also presented the militarists with a marvellous accessory in the cause of destruction. When Wilbur Wright flew his first aeroplane it probably never dawned upon him that this wonderful feat might revolutionise the warfare of the future. No doubt he imagined that the science of aeronautics would be developed as a means of travelling and transport, and its future usefulness appeared to be linked up with the activities of peace. He could not have foreseen that the day would come when his aeroplane would be transformed into a species of super-artillery which might be used for bombing great cities and civilian populations with poison gas and incendiary bombs. When chemical researchers discovered the process of manufacturing new dyes which might be used to lend a touch of colour to the carpets and curtains of the nations, no one imagined that these insignificant events might one day shake a mighty empire to its foundations.[1] Nor could anyone have foreseen that the products of the dye and allied industries would be transformed into a new species of ammunition which could not only be used on the battlefield but might also become the means of annihilating wholesale entire populations of men and women.

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[1] "We are going to use chemical warfare to the greatest extent possible in any future struggle. . . . Who is there who dares question our right to do so?"—Fries and West, *Chemical Warfare*, p. 439.

See p. 233, note 3.

Had these possibilities been realised, these industries might have been dispensed with altogether. It would certainly have been the cheaper and safer course in the long run for all the States which were involved. But now, in order to make assurance doubly sure, nations contribute to their own destruction by subsidising the dye industries and encouraging their chemical researchers to undertake fresh discoveries. They assiduously prepare for the day:

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[1] On April 22nd, 1915, poison gas made its first appearance in modern warfare. The first attack was launched by the Germans on the North-East portion of the Ypres Salient near Boesinghe, where the French (coloured troops) and the British (Canadians) lines met. "It was at first impossible for anyone to realise what had actually happened . . . hundreds of men were thrown into a comatose or dying condition, and within an hour the whole position had to be abandoned, together with about fifty guns."—Sir John French's Despatch of June 15th, 1915. The number of casualties is, of course, very difficult to estimate, but Dr. F. R. Humphreys, in a lecture reported in the *Times* of February 6th, 1929, states that the attack cost five thousand lives.

> "When the smoke of thy hot conflagrations
> O'ershadows the earth as with wings,
> Where nations have fought against nations
> And kings have encounter'd with kings,
> When cometh the end of all things."[1]

The truth is that no one can possibly foresee what may be the outcome of the most trivial discovery in the realm of science when it is applied to the mechanism of war. The caterpillar tractor becomes the prototype of the tank.[2] The discovery of wireless opens out endless vistas of its application as an accessory of war, whilst other agencies too numerous to mention have likewise been conscripted for the same end.

Perhaps the most striking example of the wonderful war results accruing from a discovery in the sphere of peaceful industry is the case of Professor Haber's process of extracting nitrogen from the air. Haber[3] was a German chemist who sought to increase the productivity of agriculture by placing at the disposal of German farmers large quantities of nitrates for fertilising purposes. Appreciating the discovery that nitrogen could be extracted from the air, he erected factories equipped with a new plant to operate processes he had invented.

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[1] A Lindsay Gordon, *Bellona.*

[2] In 1770 Edgeworth patented a device which "consisted of several pieces of wood which moved in regular succession in such a manner that a sufficient length of railing was constantly at rest for the wheels to roll upon. . . . All subsequent ideas were founded on this basis."—Fuller, *Tanks in the Great War*, p. 9. The Applegarth Tractor of 1886 and especially the Batter Tractor of 1888 possess great similarities to the first tanks of the Great War.—*Id.* pp. 10–13.

[3] See *E.B.*, 14th edition, Vol. XI, p. 55.

When war was declared the nitrates used for the manufacture of high explosive ammunition were imported from South America. Before the end of 1915 Germany had almost exhausted her resources of this raw material, whilst the Allied blockade rendered it impossible for her to replenish her stocks. At this critical juncture Haber's discovery came to the rescue, and his products were substituted for the imported nitrates. The buildings and plants, expanding like a telescope, immediately became transformed into high explosive factories and kept the German armies and navies supplied until the end of the war.[1]

Had it not been for Haber's discovery, the lack of high explosives would have paralysed the fighting efficiency of the Germanic forces before the end of 1915. The supplies of this vital necessity would have been cut off, and there would have been no alternative except to make peace. Haber, however, had saved the situation. His invention prolonged the World War for more than two and a half years, with all the appalling loss of life, suffering and poverty which the lengthening of the struggle entailed. Two and a half years of war credited to the account of a single scientist who had successfully wrested from Nature one of her secrets in order to increase the fertility of his native land! In the final result the discovery of this process only postponed the defeat of Germany. It might, however, have been otherwise.

No one can be blamed, because this extraordinary result is the product of the international system in which the brains of the scientist are regarded as part of the warmonger's stock-in-trade.

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[1] "Germany would not have been able to continue the war after the summer of 1915 but for the commercial development of the Haber process by the I.G. The story is too well-known to repeat at length. . . . But for the Haber method, the vital step in producing nitric acid from the air, Germany would have been compelled to abandon the struggle."—Lefebure, *The Riddle of the Rhine*, p. 201. Cf. *Id.*, pp. 206–208.

VIII

Impossibility of Abolishing War Weapons by Suppression of Industry

IT has already been shown that all the discoveries and inventions which ultimately were responsible for the introduction of modern weapons were primarily intended to increase the wealth of the world and to expand its peaceful industries. They were the products of civilian brains and occupations and were undertaken to promote the interests and the welfare of humanity. Transformed for the purposes of war, they became a menace to civilisation and a trap for the unwary. Instead of ministering to the economic needs of the peoples, they provided them with the most formidable engines of destruction with which they might lash and tear each other to pieces.

It follows that every new achievement in the realm of research and every successful application of reason to the "mechanism of Nature" may produce two diametrically opposite results. It may for a time increase man's material prosperity; then it may turn and rend him. It may provide him with fresh opportunities for the creation and distribution of wealth, but on the other hand it may eventually destroy him and his boasted civilisation.

As we have seen, the results of scientific discovery are cumulative when they are applied to war.[1] Stored away in laboratories and workshops, docketed in the archives of Universities and the files of commercial offices, pigeon-holed in War Offices and Admiralties, the product it may be of industrial experiments extending over a century, they are let loose on a defenceless world the moment war is declared.

Science has thus assumed a dual personality—the one benevolent, the other malignant—and the world is confronted with the problem of blending these two personalities into one sane, just and righteous person, who dedicates all his faculties to the service of mankind. It is manifestly impossible to separate these personalities; to efface one without obliterating the other. To attempt to do so would be to defy the lessons of all human experience. In these days scientific achievement is synonymous with the law of progress, and no nation can prevent, or wishes to prevent, the onward march of science and industry. They cannot afford to do so because it is realised that only by these instruments can the world hope to maintain and increase its production, and thus enable its ever-growing population to find the means of subsistence. From an economic standpoint, no limit can be placed upon inventions and discoveries. They cannot be abolished even though they are fraught with the gravest danger. Air Chief Marshal Sir Hugh Trenchard has said that if he had the casting vote he would say "Abolish the Air." He added that the air might be more of a blessing for this Empire than any other country in the world, but all the good it could do in civil life could not balance the harm that might be done by it in war.[1] Civil aviation has only reached an embryonic stage in its development, and its future, though uncertain, may possess endless possibilities. The products of the chemical and allied industries have now become almost indispensable to commerce. No one would suggest that these industrial pursuits should be prohibited, even though their disappearance would eliminate two of the most destructive agencies in the conduct of modern war. The same is true of all weapons in greater or lesser degree, and it would be ridiculous to suggest that the heavy industries should be suspended to prevent the construction of warships and tanks.

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[1] See chap. VII, p. 275.

Consequently, new discoveries and inventions of the future may still be adapted for the purposes of war. A policy of prohibition does not solve the problem. Resolutions, pacts, conventions and treaties are powerless to restrain ambitious nations from exploiting new industrial processes for the advancement of their warlike schemes, as no international machinery exists to enforce these provisions.[1] The fate of the Poison Gas Conventions of Geneva and Washington[2] and of the Arms Convention[3] are examples of the value which is attached to this species of international legislation. As long as each nation must rely upon its own resources for security there can be no confidence in international promises of good behaviour, even though they are enshrined in treaties. In the present state of international morality the temptation of acquiring new and more potent weapons will never be resisted unless the risks of detection and punishment are overwhelming.

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[1] *The Times*, April 30th, 1925.

What, then, is the solution to be? How can the scientific appetite be directed into the proper channel? Mankind is perforce driven to accept the principle of differentiation. The benevolent personality cannot be restrained; on the contrary, he must be exhorted to pursue his investigations with all expedition. His malignant counterpart cannot be repressed so long as he toils indefatigably in the service of sovereignty and nationalism. If his energies can be enlisted on the side of international sanctions, he will have discarded his mask of malignancy, but this transformation can only be effected when the contents of his armoury have been subjected to the policy of differentiation.

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[1] "A simple agreement not to use poison gas in time of war . . . cannot by itself be enough. Unless effective measures are also taken to prevent its preparation, no government will have confidence that the undertakings given will be faithfully observed."—Baker, *Disarmament*, p. 279.

[2] See p. 34, note 2, and chap. III, p. 149. It is true that the Geneva Gas Protocol has after a lapse of over four years been ratified by thirteen nations. Chemical warfare research, however, still persists and until nations have abandoned this form of war-in-peace their promises to abstain from using gas in war cannot be relied upon.

[3] See p. 34, note 3.

IX

Science Responsible for the Characteristics of World War

IT has been truly said that modern war is a war of machinery[1] in the sense that it has developed into a struggle between competing factories and plants, the outcome of which exercised a profound influence upon the final decision. The slaughter of the battlefields was supplemented by the menace of starvation and bankruptcy at home. The " home front " was even more vulnerable than the long line of trenches in France and Flanders.

The main characteristics of the Great War which distinguished it from all its predecessors may be summarised as follows :

(i) *It bears the stamp of universality.* Few nations were able to hold themselves aloof and all the Great Powers were engulfed in this catastrophe. It developed into a succession of national enterprises absorbing every activity, embracing every industry and sucking into its whirlpool the accumulated wealth of centuries. So vast were its ramifications that even neutral States did not escape its disastrous attentions. No longer was the struggle confined to the regular armies and navies of the belligerents : the entire nations, men and women, were directly or indirectly engaged in the encounter. Either they found themselves in the fighting line or they were employed in producing arms and food at home. But whatever their tasks might be, they were all combatants : they assisted in the waging of war and were mobilised for its duration.[2]

(ii) *The destructive and devastating nature of the weapons employed.* The potency of armaments increased beyond the bounds of human imagination, and life and property were destroyed on a colossal scale unprecedented in the annals of mankind. The conflagrations of the past paled into insignificance in comparison with this consuming fire. The toll of human life will never be accurately reckoned. It is computed that at least forty million people[1] lost their lives during the four years of carnage.

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[1] " The Germans had entered Armageddon with an unprecedented equipment of munitions. The electric-minded French perceived at once, the slower-minded British only a little later, that this was to be a war of factories as well as of men, and bent all their resources towards organising the national life for this purpose."—W. Irwin, *The Next War*, p. 28.

[2] See chap. I, p. 41.

(iii) *The powerful pressure exercised by the economic weapon.* This was rendered effective through the agencies of the blockade and the submarine. The capitulation of Germany and her Allies was hastened by the lack of food and supplies of every kind. Her people, already under-fed and ill-nourished, were literally faced with starvation. The people of Great Britain, who a hundred years previously had successfully faced Napoleon's "Continental System"[2] for five years, were brought to the verge of disaster by the submarine campaign. During certain periods towards the end of the war the supplies of food in the country were only sufficient to last a few days.[3]

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[1] The total number of "known dead" in the armies of the Allies and the Germanic Powers amounts to the vast number of 9,998,771. In addition to these, a considerable portion of the 5,983,600 men returned as "missing" must be accounted dead.—E. L. Bogart, *Direct and Indirect Costs of the War*, p. 272.

But these figures represent the loss of life amongst members of military or naval forces only. Danish historians, referred to by Irwin, have calculated that thirty million civilians "who might be living to-day" (i.e. at the close of the war) lost their lives as a result of the war."—Irwin, *The Next War*, pp. 50, 74.

[2] The "Continental System" of Napoleon was an attempt to ruin England by excluding her from the markets of the Continent. Instituted by the Berlin Decrees of November 21st, 1806, and the Milan Decrees of December 17th, 1807, it failed in its object. "English commerce was as active and enterprising as ever and the risks it encountered in running the Continental blockade only increased the profits of the English merchants. The real sufferers were the inhabitants of the Continent. . . . The English war fleets remained complete masters of the sea. . . . The Continental blockade increased rather than diminished the commercial prosperity of England."—H. Morse Stephens, *Revolutionary Europe*, p. 251.

[3] "Our food stocks are low, alarmingly low, lower than they have been within recollection."—Mr. Lloyd George, February 23rd, 1917: *Commons Debates*, 5th Series, Vol. 90, Col. 1598.

(iv) *The costs of the war almost produced a state of universal bankruptcy.* The peoples have saddled themselves with national debts which will cripple their resources and retard their industrial expansion for a century. The cost of the war is estimated at the appalling figure of £70,405,454,094[1] and at the conclusion of hostilities Great Britain alone was spending at the rate of seven millions a day. Both Austria and Hungary became financially shipwrecked, and had it not been for the salvage operations undertaken by the League they would have foundered.

It cannot be too strongly emphasised that all these results are mainly attributable to the intervention of science in the domain of war. The improvement and expansion of old and the introduction of new weapons, including strategic railways, were responsible for this orientation which constituted one of the supreme factors in determining the ultimate issue. Had the armaments of the military and naval establishments remained static, as they did in the days of Napoleon, the demagogic exhortation to proceed with " business as usual " uttered in the early days of the war might have had some significance. It proved to be a fallacy because the scientific results of the nineteenth century were remorselessly adapted to the arts of killing, maiming and starving. It may be necessary to employ these methods in dealing with law-breakers and criminals, but they are obviously ill-suited as a means for the settlement of disputes between Christian nations.

All these wonderful achievements were accomplished in the space of four years. It is true, as we have seen, that a few of the products of the partnership between science and war made their appearance at an earlier date, but even these were improved and expanded to such an extent that the latest types bore little resemblance to the original designs. In this category are included warships of every size, guns, howitzers, machine guns, rifles and ammunition of every variety. From a practical point of view, the war evolved a number of new weapons, the most important being the submarine, aeroplane, poison gas (including its projecting apparatus, mortars, etc.) and tanks.

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[1] i.e. 337,946,179,657 United States dollars.—Bogart, *Direct and Indirect Costs of the War*, p. 299.

It is only necessary to compare the equipment of the military establishments as they existed in 1914 with those of 1918 to realise the transformation which had taken place. The accessories, weapons and impedimenta of war had been revolutionised in less than a quarter of a century.[1] No epoch in the military annals of the world can be compared with this bewildering and overwhelming change in the character and multiplicity of weapons. And yet this baffling complexity and new variety offer to the nations a way of escape from the dominion of war. They may be released from its thraldom if they can summon the courage to classify and differentiate the parts of their cumbrous war machines, retaining those which in the past have sufficed for their needs and handing over the remainder to the control and supervision of an international authority. A momentous change in the character of war has been witnessed by the present generation. Do they realise its immensity or visualise its possibilities ? If they fail to grasp its implications and their own responsibilities, they will have incurred the odium and merited the execrations of a disillusioned posterity.[2]

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[1] "In a comparatively brief period high explosive shell reached an efficiency hitherto undreamt of : the rifle was modernised, and to it was added the machine gun : to the hand grenade was added the flame thrower : poison gas, aeroplanes, submarines, torpedoes and tanks came in as entirely new weapons necessitating the development of new services in fleets and armies."—Baker, *Disarmament*, pp. 39–40.

[2] See chap. I, pp. 56–57.

X

WHAT of the future? Will nations be content with temporary schemes of disarmament which, as all human experience shows, do not remove the root cause of the trouble, but only serve to gloss it over and to throw dust in the eyes of the peoples. Scientists declare that they have only touched the hem of the garment which conceals the discoveries of the future.[1] They have, however, already produced a sufficient number of miracles to ensure the recovery of mankind and the advancement of civilisation if their inventions are consecrated to the service of international justice. If, on the other hand, new scientific achievements are to be adapted for warlike purposes, the fate of humanity is sealed.

The Future

Few people will deny the urgency of the problem. It brooks no delay and it cannot be left to chance. The immensity of the issues involved is apparent. Future generations to whom the Great War will be merely a historical event will at least find it difficult to appreciate the vital importance of this question. They will be confronted with new branches of the military, naval and air services which will have become integral parts of the war establishments and will have formed traditions and customs of their own. At present these Services are still in an embryonic state, and may be transplanted into an international police force without unduly outraging their professional pride. On the contrary, the majority of officers and men belonging to the new Services would probably welcome the transfer when they understood the true significance of the change. In the meantime vested interests are being created and the armament firms will tighten their grip upon these infant departments. Consequently, the policy of differentiation has passed the academic stage and cannot lightly be put aside, because there is no alternative in the field. After ten years of futile discussion, the policy of negative disarmament has failed to produce any substantial results. At the best it can only be a palliative and a temporary adjustment so long as the spirit of scientific competition remains unbridled and unrestrained.

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[1] "If ever the human race get hold of a means of tapping even a small fraction of the energy contained in the atoms of their own planet, the consequences will be beneficent or destructive according to the state of civilisation at that time attained and the beneficence or malevolence of their spiritual attainment."—Sir Oliver Lodge, *Atoms and Rays*, p. 54.

XI

The Application of Differentiation

THE era of intense application of scientific discoveries to the art of war may be said to have begun in 1914. During the four years which followed it reached its highest pitch of intensity, culminating in the gigantic preparations for the anticipated campaign of 1919. Before that period warlike inventions had been submitted to the naval and military authorities, some of which were accepted whilst the majority were rejected. The declaration of war, however, threw open the gates of a vast experimental station where inventions could undergo a practical test of their efficiency. Consequently, although they may actually have appeared upon the scene prior to 1914, their baptism coincided with that date.

Submarines and aeroplanes come within this category. Aircraft carriers, poison gas, tanks and a host of minor weapons, however, were added to the list during the progress of hostilities. The older stock-in-trade—warships, artillery, machine guns, rifles, etc.—although vastly improved before the war, at its conclusion assumed the proportions of giants. New types of artillery emerged whose ranges and calibres have increased enormously.[1]

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[1] A comparison of some of the respects in which artillery, etc., of post-war days shows an advance over the pre-war weapons may be instructive.

Naval Guns. The largest naval guns of 1912 were of 13·5-in. calibre, throwing a projectile weighing 1,400 lbs. with a muzzle energy of 60,600

The year 1914 may therefore be taken as the dividing line which, broadly speaking, marks the vital change in the character of weapons. The years which followed may be described as the golden age of military scientists.

The principle of differentiation can therefore, with few exceptions, be applied by contrasting the naval and military establishments of 1914 with those which exist to-day.[1]

There is a second reason for selecting this year as the datum line. If in the future armies, navies and air forces are to be utilised for policing purposes, and if this is to be regarded as their sole function both in the international and municipal spheres, it is fair to assume that in 1914 their armaments were at least sufficient to enable them to carry out those duties efficiently,

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foot-tons. Such a projectile would penetrate 50 inches of wrought iron. The largest guns of 1927 are of 16-in. calibre, throwing a projectile of 2,130 lbs., with a muzzle energy of 102,160 foot-tons. Sixty inches of wrought iron would be penetrated.—Brassey's *Naval Annual*, 1929, p. 458.

Artillery.—Range.—The pre-war range of the French 240-mm. gun was 16.5 kilometres. The range of the same gun in 1928 was 53 kilometres. The range of the 340-mm. gun increased in the same period from 22 km. to 150 km.—Memorandum submitted to the Preparatory Disarmament Commission by the U.S.S.R. delegation: *Documents of the Preparatory Commission*, Series V, p. 32.

The British 9.2-in. howitzer used in the war fires a 290-lb. shell, ranging 12,700 yards; the new American 9.45-in. fires a 356-lb. shell to a range of 25,000 yards. The British 9.2-in. gun throws a 380-lb. shell 14 miles, while the new U.S. 14-in. gun throws a 1,560-lb. shell 22 miles.—*E.B.*, 14th edition, Vol. II, pp. 469–470. The German "Big Bertha" shelled Paris with 265-lb. shells from a distance of 76 miles.

Bombs.—"The bombs dropped on Paris in 1914 were not much bigger than a grape fruit: the bombs prepared for Berlin in 1919 were eight feet high and carried half a ton of explosive or gas-generating chemicals."—Irwin, *The Next War*, p. 41. *The Manchester Guardian Weekly Edition* of July 27th, 1923, contains the account of the dropping of an even larger bomb in the United States; 13½ ft. long, 4,300 lbs. in weight, this bomb contained 2,000 lbs. of T.N.T. Dropped from a height of 4,000 feet, the crater formed by the explosion was 64 feet in diameter and 20 feet deep, 1,000 cubic feet of earth being displaced. Débris was thrown a thousand feet into the air, and the force of the explosion "bumped" the 'plane which had dropped the bomb twenty feet in the air.

[1] Cf. Churchill, *The World Crisis, 1916–1918*, pp. 396–397. See p. 305, note 1.

both at home and in their colonies and dependencies. Consequently the new weapons, with certain possible exceptions,[1] are superfluous and their transfer to an international authority would not impair the ability of the national forces to perform their police functions in any quarter of the globe. The policy of differentiation was manifestly impracticable until the weapons at the disposal of the national War Offices and Admiralties exceeded their requirements for the maintenance of law and order throughout the regions for which they were responsible. Science has produced this superfluity which can now be utilised to repel aggression and to provide the nucleus of an international sanction. The signature of the Armistice marks the precise moment when for the first time in history the policy of differentiation could be applied, in the sense that the full complement of weapons had then come into existence. It represented the high-water mark in the accumulation of armaments attributable to the scientific competition of the war. At any time during the years which have since elapsed differentiation has been a practical policy, assuming that the nations are united in their determination to prevent war.

If a comparison is instituted between the armaments of the pre-war establishments and those of the present day, by a process of subtraction it will be possible to calculate the types and numbers of weapons which should be handed over to the international authority. This calculation will be subject to certain modifications[2] just as differentiation applied to the equipment of constabularies and military forces is relative, depending upon the circumstances surrounding each particular case.[3]

Under this scheme the national War Offices and Admiralties would face about and execute a march to the rear. Retracing their footsteps to 1914, they would reorganise their establishments on a pre-war basis.[1] The responsibility of maintaining law and order in the various spheres of human existence throughout the globe would then devolve upon three categories of organised force—the municipal constabularies, the national police and the international police. Both the international police and the constabularies are dependent upon the assistance of the national police, which stand in an intermediary position ready to assist the former in repelling the international aggressor or the latter in suppressing domestic tumult and disorder. To each is allotted a floor in the citadel of sanctions, and each will play its appropriate part when the reign of law has become a reality in the realm of international relationships. Each category is distinguishable by the character of its weapons. The constable, as we have seen, is armed with truncheon, sabre and revolver.[2] The national policeman, rehabilitated in his pre-war quarters, is equipped with rifles, machine guns, armoured cars, artillery of pre-war types and a naval force, comprised of the older vessels, sufficiently powerful to police his coasts. To the international policeman are allotted the new weapons evolved in the war—submarines, poison gas, aeroplanes,[3] and tanks, together with the newer types of naval craft and artillery.

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[1] See chap. XI, p. 396.

[2] See chap. XI, p. 395 *et seq.*

[3] See pp. 303–304.

This classification must necessarily be subject to certain modifications designed to meet the requirements of each particular case without impairing the efficiency of the international police. These will be discussed hereafter,[4] but, broadly speaking, this classification represents a policy based upon the principle of the differentiation of weapons.

This is not a new policy. It manifests itself in the daily life of every civilised community and it is the product of human experience. In the realm of international relationships it has only been rendered possible by the tragedy of the Great War. It is a policy which embraces the claims of justice, security and disarmament. It is confronted by obstacles of various kinds; it undermines the structure of ultra-sovereignty; it may be repugnant to vested interests; it may bristle with technical difficulties and it may shock the susceptibilities of pacifists and outrage the feelings of reactionaries. But it represents a sane policy which appeals to the ordinary man. Approached in a spirit of goodwill and co-operation, these obstacles can be surmounted.

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[1] See chap. XI, p. 383.

[2] See p. 302, note 2.

[3] "It is also true, as air experts admit, that military aircraft could be used for joint international action with considerable rapidity and without the detailed preparation of plans in advance."—Baker, *Disarmament*, p. 241.

[4] See chap. XI, p. 395 *et seq.*

What is the alternative? There is none.[1] After ten years of barren discussion, no rival or competitive policy has appeared upon the scene. The only alternative is a policy of drift which in the course of a century will overwhelm mankind in his final eclipse.

XII

Consequences of Differentiation

IT is not suggested that the policy of differentiation should be limited to a retrospective scheme dealing only with the new weapons and types which the World War has produced. It also embraces the discoveries of the future, and in so far as these are adapted for military purposes they must be handed over to the international authority. The armaments of the municipal constabularies and the national police will have been stabilised on a pre-war basis. Consequently, these forces will no longer be primarily interested in new developments of scientific warfare, which as we have seen are usually associated with some form of industrial progress.

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[1] "Such rapid change almost gives ground for speculation as to whether, if the present development goes on, all limitations of the kind so far proposed will not soon be irrelevant to the purpose they are intended to achieve."—Baker, *Disarmament*, p. 40.

It follows that all discoveries in future affecting the art of war become *ipso facto* the monopoly of the international authority. The national governments participating in the scheme submit themselves to this self-denying ordinance. They relinquish all claims to military inventions of any sort or kind. Unless there is general agreement on this point, the whole edifice collapses. The essence of differentiation lies in the superiority of the weapons entrusted to the international authority, and if, by means of some future discovery, this superiority is lost or even threatened, the scheme becomes shipwrecked.[1] Any nation which was afterwards guilty of breaking this solemn pledge should be regarded as a traitor and a criminal, and should be summoned to appear at the bar of international justice. If the recalcitrant State refused to answer the charge or to surrender its invention, the other members of the international community, with the help of its police force, should proceed against it "with all their faculties, feet, hands and voice."[2]

Thus the nefarious trade in the secrets of killing would be abolished. No longer would armament firms and their satellites perambulate around the globe browbeating and bribing governments to purchase their latest designs and newest devices in the trade of wholesale slaughter. If they did so, they should be liable to arrest and imprisonment just as vendors of poisons are punished if they violate the regulations imposed by law.[3] What an outcry there would be if some enterprising person formed a company to improve and invent processes of murder. Specialities in daggers and stilettos, silent revolvers, rare and instantaneous poisons, would be sold to customers who desired to rob and kill. In a state of anarchy this concern would probably pay a fabulous dividend: in a state of law, which can be enforced, it is not even allowed to exist. Its trade is repugnant to the moral sense, feelings and reason of the community. Yet this is precisely the method prescribed for the sale of weapons intended for slaughter on a vast scale. Governments are the customers and their peoples are the victims. Tariff barriers are erected to check the flow of peaceful industry, but Free Trade still flourishes in the armament market. No nation imposes a duty upon the handicrafts of war. These evils, monstrous and immoral, the results of the unrestrained "self-seeking propensities of man," can only be abolished when the design and manufacture of improved types or new weapons become the exclusive responsibility of the international authority. This result can be achieved through a policy of differentiation.

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[1] "There is to-day, as there has never been before in military history, the danger that someone may discover a new scientific principle or device which will enable him to make a weapon against which there is no known or discoverable defence. . . . If one party acquired the power to strike a sudden and decisive blow, the armament restrictions of the other parties might become not only valueless but dangerous and unjust."—*Id.*, p. 46.

[2] See chap. II, p. 61.

[3] See chap. XIV, p. 546.

Briefly summarised, the consequences which ensue from the adoption of this policy are as follows:

(i) *A change in the moral consciousness of every nation collaborating in the scheme.* The national outlook reflected by public opinion will undergo a gradual transformation and, as a result, nations will put an end to the traffic in armaments which hitherto they have regarded with cynical indifference. In future they will contribute in hard cash to an insurance fund for its suppression.

(ii) *The liaison between science and militarism will be brought to an end.* Competition in the discovery of new and the exploitation of old weapons will have ceased. No longer will the War Offices and Admiralties be able to play with these dangerous toys or improve them at their leisure. New inventions, if there be any, will have been placed outside the control of these national institutions, probably to the unfeigned joy of the staffs which inhabit them.[1] The incentive to adapt peaceful discoveries for war purposes will be almost entirely removed, because it will no longer be a profitable business. When the customers are reduced to the international authority, the vendors of these dangerous instruments will have lost their market, and military scientists will turn their attention exclusively to the arts of peace. They are not likely to devote their energies to discovering new weapons which can only be used for police purposes, and whose commercial value is negligible.

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[1] Cf. Haldane, *Callinicus*, p. 37.

(iii) *It will endow the international authority with a powerful sanction for the enforcement of international law.* The exclusive possession of the weapons assigned to its military, naval and air establishments, together with the assistance of the national police, described as quotas and drawn from the member-States, will provide it with an overwhelming superiority of organised force which, in ninety-nine cases out of a hundred, will deter nations from becoming disturbers of the peace. This superiority rests upon the principle of differentiation, and it has already been shown how the character of weapons is one of the decisive factors in the application of force.[1]

The international authority may be called upon to exert its superiority in two ways—against a recalcitrant State-member of the league or federation constituting the authority, or against an outside State which is not a member. In both cases the national police quotas, mobilising under the orders of their respective governments, would intervene at the request of the authority and would act in conjunction with the international police. In the first case, superiority would be expressed in the character of the weapons employed by the international police under the direct control of the authority and the preponderance in numbers of the quotas. The latter factor would also have to be provided in the second case where the aggressor was a non-member State. But, in addition to superiority in numbers, the armaments of the international authority must also surpass in size and potency the corresponding equipment of the outside State. It is assumed that this State, having refused to join in the scheme, is possessed of precisely similar weapons to those which the States-members have transferred to the international authority. It follows that as differentiation has not been applied to non-members the character of the weapons used by both sides is the same and, in order to ensure the security of the States-members which rely upon the protection of the international police force, it is imperative that its armament should be greater in size and efficiency than that of any single State or probable combination of outside States. It must be assumed that the national armaments which are pooled by the States-members will from the outset confer an undoubted superiority upon the international police force. This, of course, will depend upon the number and power of the nations which join in the scheme.

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[1] See p. 302 *et seq.*

It will be noted that the circumstances contemplated in the latter case can only arise from an act of aggression committed by a nation or nations which have refused to co-operate in establishing the reign of law and to apply the principle of differentiation. When outside States choose to abandon their splendid isolation and cease to worship at the shrine of ultra-sovereignty, these conditions will no longer exist, and the armaments of the international authority may be correspondingly reduced.

XIII

Is Differentiation Practicable?

IT is clear that the consequences which follow the positive application of the principle of differentiation are far-reaching. They imply that in future organised force can only be used for one purpose, namely, the police function. They presuppose that States will be willing to submit all their disputes to a process of arbitration or judicial settlement, that arbitral and judicial machinery will be provided by the international authority, and that an executive capable of setting its sanctions in motion and enjoying the confidence of the States-members will be forthcoming. But, assuming that nations are prepared to seek peace and ensue it, considerable headway towards the realisation of this determination can be made by adopting the policy of differentiation.

In the past the results of its application have been demonstrated conclusively on countless occasions in the clash of armed hosts, and especially when the armies of civilised nations, hopelessly outnumbered but equipped with modern weapons, have been pitted against barbaric tribes dependent upon their bravery and skill in the use of primitive instruments of war.

It is not a new principle because it has already been applied in a relative sense to the weapons employed by the constabularies and the military forces. The most striking example of its feasibility is to be found in the clauses of the Peace Treaties dealing with the disarmament of Germany, Austria, Hungary and Bulgaria. In these documents differentiation emerges in all its nakedness, negative in its application and unabashed in its thoroughness. Its authors were two famous military experts, Field-Marshals Foch and Wilson, who intended that the disarmament provisions should be of a permanent character; they were not regarded as temporary measures.[1] These distinguished generals realised the true character of modern war. They were not content to reduce the personnel of the ex-enemy armies and navies. They drastically cut down the numerical factor, fixing the total effectives of the German army at 100,000 men, which they considered necessary for maintaining law and order within the confines of Germany. But their attention was chiefly directed to the types and character of the weapons to be allotted to the attenuated forces of the ex-enemy States. Elaborate clauses prescribed the armaments and equipments of these armies and navies to the last button.[1] Differentiation was applied with a thoroughness and insight truly remarkable. The new weapons evolved in the war were entirely prohibited. The use of military aeroplanes was forbidden. Poison gas and all the appliances for its projection were struck off the list, whilst the same fate was meted out to tanks and submarines. The ranges and calibres of the artillery were minutely prescribed and ammunition was strictly rationed.[2] A diminutive and obsolete fleet consisting of six armoured cruisers of 10,000 tons, six light cruisers of 6,000 tons, twelve destroyers of 800 tons and twelve torpedo boats of 200 tons was substituted for the pre-war navy.[3] Obviously the functions which it was intended should be performed by a navy of this size and character are limited to the policing of the German coasts.[4] An Armament Commission was created to execute the clauses of the treaty and to ensure that the superfluous weapons were consigned to the scrap heap. Thus the greatest military power in the world, whose proud boast was that its military forces were scientifically equipped and organised, was completely disarmed by applying the policy of differentiation to its gigantic armaments.[1]

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[1] Cf. Baker, *Disarmament*, pp. 108–109.

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[1] "The rigid, comprehensive, scientific system of the Treaty of Versailles. Under that system every detail of the man-power which Germany may maintain, of their enlistment, training, organisation, armament and transport, of their general equipment and of the whole national scheme of fortification and defence has been laid down."—Baker, *Disarmament*, p. 64.

[2] Germany was permitted 204 7·7-cm. guns with 204,000 rounds of ammunition and 84 10·5-cm. howitzers with 67,200 rounds. The calibre of the 63 medium trench mortars and the 189 light mortars is not specified, but their ammunition is restricted to 25,200 and 151,200 rounds, respectively. 40,800,000 rounds for rifles and carbines and 15,408,000 rounds for machine guns were permitted.—Articles 164 and 166, Treaty of Versailles, and Tables 2 and 3 annexed thereto.

[3] Articles 181 and 190, Treaty of Versailles.

[4] Recently the development of the "pocket-battleship" as part of the replacement programme has reduced the factor of obsolescence which at the outset characterised the German fleet.

The Allied military experts clearly understood the significance of this principle and did not shrink from its logical application to all the departments of the ex-enemy military and naval establishments. They put the military clock back to 1914. Perhaps they did not realise that in doing so they were unmistakably pointing out the road to universal disarmament, and that in demonstrating the value, no less than the practicability, of differentiation they had presented mankind with the golden key wherewith to unlock the door leading to the Hall of Permanent Peace.

It is pertinent to contrast this policy with Wellington's treatment of the French armies at the conclusion of the Napoleonic Wars. The allied forces occupied French territory for a period of over three years, and after the war the effectives of the French army had been drastically reduced.[2] The nature of their arms and equipment, however, remained the same. The Iron Duke would not have scrupled to destroy every vestige of their war accoutrements—cannon, muskets, pistols, sabres and lances—if such a policy could have served any useful purpose. But it would not have helped him in the execution of his task to have transformed into an unarmed rabble the organised force upon which the new Bourbon government relied for its security. Domestic chaos could only have added to the responsibilities and commitments of the allied armies of occupation. Wellington was precluded from instituting a policy of differentiation of weapons for the simple reason that his range was so restricted. When he had allowed the French army to retain the equipment necessary for the performance of their police duties no superfluity remained. It did not exist because in those days progress in scientific discoveries and inventions had not passed beyond the embryonic stage. Consequently the task entrusted to Foch and Wilson of placing an ex-enemy nation under restraint was much simpler than the similar one which confronted Wellington, because the former were able to fall back on the policy of differentiation which a hundred years ago would have been unintelligible.

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[1] "The German army is entirely deprived of all the most effective modern weapons, and is restricted to the relatively simple armament of the later nineteenth century."—Baker, *Disarmament*, p. 116.

[2] The army under the Bourbons numbered 150,000 men.—*E.B.*, 14th edition, Vol. IX, p. 590.

It is obviously much easier to apply differentiation to the military establishments of the vanquished than to those of the victors. The former is obtained by compulsion, whilst the latter rests upon voluntary assent. At the Washington Conference, however, differentiation was negatively applied to the units of the Allied fleets. Battleships—mainly on the grounds of vulnerability, complexity and costliness—and aircraft-carriers were distinguished from other types of naval weapons and a measure of agreement was reached. It will be observed, however, that both at Washington and Versailles the application of the differential policy was purely negative. In one case it resulted in the dismantling of huge battleships,[1] whilst in the other it involved the destruction of colossal armaments valued at millions of pounds. All these weapons were ruthlessly scrapped when they might have been conserved as the custodians of peace. Had they been handed over to an international authority as the nucleus of the equipment of the international police, they might still have served some useful purpose. Well oiled and wrapped away in cotton wool, they would probably have sufficed to provide for renewals and depreciation in the armament of the international police for many years to come. The mere fact of their existence in cold storage under the control of the international authority would have hastened the era of general disarmament, unless in the meantime an imperialist America or an autocratic Russia decided to start a new race in armaments. The positive application of differentiation in these two cases might have engendered the belief that at last nations were determined to avert war and that the lessons of the Great War had sunk deep into their minds. The principle of differentiation has been exemplified, but its positive application still remains the outstanding problem of the twentieth century.

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[1] The capital cost of the vessels scrapped by Great Britain under the terms of the Washington Treaty amounted to approximately £36,000,000. Two of these units, the *Lion* and the *Princess Royal*, had each cost £2,087,200.

CHAPTER IX

THE RIGHT USE OF FORCE

"Force and Right are the Governors of this world. Force till Right is ready."—JOUBERT.

I

The Nature of Force

FORCE in its widest sense represents the instrument by which individuals and nations seek to impose their wills upon other persons and communities. In its highest form it is expressed in terms of ethics or morality and, as such, is the product of conscience and reason, manifesting itself in discussion and argument no less than in conduct and example. The character of one man may leave an indelible impression upon the lives of thousands of other men, which means that to this extent their actions have conformed to his will. The force of a great example equipped with a moral purpose has been reflected in the actions of individuals and nations, and the most striking instance is to be found in the life and death of Christ. On the other hand, even when intellect and reason are divorced from conscience and morality, the force of example may still be potent, and this fact is illustrated in the career and achievements of Napoleon.

Religious movements, intellectual crusades, political campaigns and all forms of moral suasion are intended to exert pressure upon the ideas and actions of other people. The force of reason is displayed in debate and literature when, through the medium of speech or the written word, a person or group endeavours to influence the ideas and actions of others. This species of force, however, is clearly distinguishable from other forms because it lacks the element of coercion or compulsion.

Every variety of moral suasion implies that individuals or nations are perfectly free to accept or reject the ideas or courses of action suggested to them without incurring any direct risk or penalty. Consequently, the application of force in its usual or narrower sense denotes a coercive act on the part of an individual, group or nation in an attempt to impose their respective wills upon other persons, groups or nations. This definition, recognised in the realm of municipal law, which relies upon a compelling agency in the form of sanctions to execute the decrees of justice, is the only one which has a bearing upon the enforcement of international law.

Coercive force may be applied in various ways. It is not confined to physical violence, the threat and exercise of which place a restraint upon the freedom and actions of individuals and nations. In the economic sphere it is expressed in passive or negative acts intended to exert pressure by producing a state of poverty and starvation. Such, for instance, are industrial strikes and lock-outs, when combinations of labour or capital endeavour to impose their wills upon each other or even upon the whole community.[1] Internationally, this form

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[1] There are four kinds of strikes, the common, the domestic, the sympathetic and the general.

The first is the ordinary variety directed by employees against their employers with the object of securing higher wages, shorter hours or other improved conditions of employment. It is an instrument which is used by Labour organisations to exert pressure upon capitalistic agencies.

The second is applied by Trade Unions as a means of compelling individuals to join their ranks, or to renew their membership. It may also be employed by one Trade Union as an instrument to attack a similar organisation which is alleged to have encroached upon its preserves. It may therefore be described as a kind of tyranny or civil war in which the majority exerts pressure upon the minority. Thus even in free and democratic communities, the individual may be coerced into abandoning his liberty of action, not only in the industrial but also in the political sphere.

The sympathetic strike is undertaken by a Union or group which is not directly involved in the dispute on the ground that its participation may assist a kindred organisation.

A general strike carries the idea underlying the sympathetic strike to its logical conclusion. It is aimed at the whole community, and seeks of coercion may be applied to a nation through the instrumentality of an economic blockade.

Similarly, in the financial relationships between individuals or nations, the element of compulsion is in constant operation, and the power of the purse is a potent factor for good or evil, which enters into almost every department of human activity.[1]

At the bottom of the scale, force manifests itself in acts of physical violence culminating in the disablement, disarmament or death of one of the combatants. In the animal kingdom this species of coercion is the dominating factor of existence and constitutes, as we have seen,[2] the sanction of the jungle. It is governed by instinct and passion and is unrestrained by morality or reason.

II

The Employment of Force

IN the circle of human relationships physical violence operates in divers ways. In sport and athletics it has been circumscribed by rules and customs which minutely regulate its application. Under these conditions it becomes a test of endurance, strength, skill and character. The boxer or the wrestler must conform strictly to the regulations under which these contests are held : otherwise, he is precluded from participating in them altogether. Similarly in civilised communities the

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to bring the national machine to a standstill. Consequently it has a political object which it hopes to achieve by exerting pressure upon the Government.

All these varieties attempt to impose the will of groups of persons upon other individuals or groups through the exercise of force in a passive sense, irrespective of the rights or wrongs in any particular dispute.

[1] This potency was strikingly demonstrated in November 1921. Amidst negotiations concerning the delimitation of the frontier, Jugo-Slav troops were reported to be advancing on Albanian soil. The British Government immediately telegraphed to the Secretary-General asking him to summon a meeting of the Council to consider the application of the economic boycott of Article 16 to Serbia, unless the troops were at once withdrawn. The Council met in a week, but Serbia had already withdrawn, explaining that it had no alternative in view of the threat.—*Annual Register*, 1921, p. 155; League of Nations *Monthly Summary*, 1921, p. 174.

[2] See chap. VII, p. 251.

degree of violence to which individuals may resort, even in self-defence, is strictly prescribed by law. If the amount of physical force exceeds the degree warranted by the circumstances in any given case, the individual is guilty of a crime and may be punished.[1]

The same rule applies to the State in its relationship to individuals. It may only employ force under certain conditions and subject to certain restrictions. The arm of the law may only strike within the compass of carefully drafted regulations imposed by the community.

It follows that wherever justice is administered force is only allowed to operate within well-defined limits.[2] If these limits are surpassed, either by private individuals or by the police, redress and compensation may be obtained by appealing to the courts of law.[3]

In the past force has constituted the governing factor in international relationships, and the power of coercion has usually been the decisive argument in the settlement of disputes. The orthodox procedure was to destroy the forces of the opponent first and to enquire into the merits of the case afterwards. The claims of justice were thrust on one side. National interests alone dictated policy, which, in turn, was governed by the amount of force which could be employed. In the international jungle a condition of anarchy prevailed. Morality and reason were completely subjugated to the iron hand of force. Unbridled violence assumed the rôle of arbitrator and combined the functions of judge, jury and police. Instead of being the servant of the law, it arrogated to itself the office of the law-giver. Masquerading in the garb of legality, it imposed its own rules and regulations under the ridiculous description of the "laws of war."

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[1] See p. 205, note 2.

[2] The limitation of physical force is effected by the civil and criminal law of assault, which make the unlawful application of force to the person of another an offence against the law of the land as well as a wrong actionable at his suit. The limitation of moral suasion is effected by the law of intimidation and conspiracy.

[3] During the last few years, there have been cases where convictions have been quashed on appeal and the government has been compelled to pay compensation to the aggrieved parties. See, for instance, the cases of Major Graham Murray and Oscar Slater, in 1928.

III

The Character of Force

IT will thus be seen that the character of force is determined by the purpose for which it is employed. Divorced from morality and justice and applied blindly and indiscriminately without restraint by nations and individuals, it becomes an instrument of tyranny and the scourge of human society. On the other hand, when force is the handmaid of justice, it becomes the executor of Right and the custodian of Peace. As such, it imposes impartially the will of the whole community, as expressed in its laws, upon all its members. In every civilised country morality and reason, upon which the laws are founded, have transformed force into a coercive agency to deter the aggressor and to hold the criminal in awe. Like all other elements in human affairs, it is liable to abuse, but held in the leash of the law, curbed by public opinion and circumscribed by legislative enactments, it provides the security indispensable to the progress of mankind.[1]

Regarded from this standpoint, the application of force cannot be described as immoral. Some people condemn the use of physical force under any circumstances. They imagine that crime and aggression will disappear as soon as the coercive agency has been withdrawn. Unfortunately the history of mankind does not substantiate this view. It is a record of the ceaseless struggle between anarchy and order, between justice and force. The experience of centuries demonstrates conclusively that justice cannot become effective without the assistance of force, whilst force must always be subservient to the dictates of the law.[1] And yet the opponents of physical force are content to avail themselves of police protection and do not agitate for its withdrawal. They protest against the infamous use of force in the horrors of a sanguinary war, though they vehemently oppose the establishment of any international system which seeks to use it for the achievement of a moral purpose. The day may come when "the wolf and the lamb shall feed together," but so long as criminal instincts and disorderly impulses manifest themselves in individuals and nations, force will remain an essential factor in the conduct of national and international affairs.[2] As the moral sense of every community develops, the need for its employment will diminish, and this dictum will equally apply to international relationships when nations are prepared to submit themselves to the reign of law.

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[1] "The only effective friend of peace in a big city is the man who makes the police force thoroughly efficient, who tries to remove the causes of crime, but who unhesitatingly insists upon the punishment of criminals." —Theodore Roosevelt, see chap. IV, p. 167.

IV

The Right Use of Force expressed in the Police Function

WHAT, then, is to be regarded as the right use of force? On behalf of what moral purpose can its services be enlisted? For centuries it has showered its offerings upon the altar of self-defence. It has carried one brand of civilisation after another to the remotest corners of the globe. It has cast down mighty empires; it has trampled upon dynasties, religions, constitutions and nationalities. It has blazed the trail of economic development, and rescued backward races from the bondage of barbarism. But only in the imperial and national spheres has force ministered to the necessities of justice. Municipal law has claimed it to provide an efficient sanction and, except in times of revolution, it has loyally maintained this rôle. During periods of anarchy and civil war it may temporarily have usurped the supreme authority,[1] only to resume its former position when the crisis had passed.

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[1] "Wherever justice is established, there, in the resulting unity, peace will inevitably be found."—W. S. M. Knight, *Hugo Grotius*, p. 220.

[2] "The idea that a large new extension of the scale of human co-operation, the beginning of an effective social life among nations, can be conducted on a higher moral plane than the social life within the most civilised of nations, dispensing with that element of coercion in government which no State dare dispense with, cannot claim serious consideration. The evil which the use of force involves varies not with the amount of force, but with the mode of its employment and the end to which it is applied. Force employed as the only means of breaking down a forcible obstacle to justice is not an evil but a good, provided it is not excessive." —J. A. Hobson, *Towards International Government*, p. 88.

If nations become imbued with respect for the law; if national legislation is able to reflect stages of moral advancement; if the federal system is allowed to develop; if the egotism of nationalism is superseded by a recognition of the unity of mankind; and if the members of each democratic community respond to the claims of their civic responsibilities; then the recurrence of civil no less than international strife will become less frequent and may gradually disappear.

It follows that in all civilised communities the right use of force within the confines of each State is strictly limited to the police function. Except, as we have seen, in times of national upheaval this character is recognised and endorsed by public opinion. Immediately the international frontier is crossed, however, force divests itself of its police uniform. It appears in "shining armour," completely accoutred with the weapons of war. No longer is force the mainstay of justice. It assumes the rôle of the renegade law-giver and the relentless aggressor. It has completely changed its character, and henceforward rides rough-shod over every institution, human or divine. It may well be asked why a frontier line should possess this magic power of transformation.

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[1] As in Ireland in 1920. "These reprisals were carried out without anyone being responsible; men were murdered, houses burnt, villages wrecked . . . this was due to want of discipline. . . . It was the business of the Government to govern. If these men ought to be murdered, then the Government ought to murder them. . . . I have protested for months against this method of out-terrorising the terrorists by irresponsible persons."—Diary of Sir Henry Wilson in Callwell's *Life*, Vol. II, pp. 263–4.

"He (Mr. Lloyd George) reverted to his amazing theory that someone was murdering two Sinn Feiners to every loyalist the Sinn Feiners murdered. . . . He seemed to be satisfied that a counter-murder association was the best answer to Sinn Fein murders. A crude idea of statesmanship."—*Id.*, p. 251.

Every rational being who witnessed the spectacle of the Great War, every man and woman with a spark of imagination who reads its history, cannot help being amazed that even in the twentieth century the right use of force in international relationships has not yet been recognised. In the cold light of reason it is clear that between nations, as between individuals, force should never be applied except to compel obedience to the law and to restrain the aggressor. The creation of an international court of justice, the establishment of an international authority equipped with courts of arbitration, an executive council and a permanent secretariat, have removed every vestige of excuse for the continued prostitution of force. It cannot be dispensed with: the problem is not how to abolish it, but how to use it.[1] Force can only be rightly employed when it has been scientifically organised as the sanction of international law in the form of an international police force.[2]

V

Categories of Organised Force

IT follows that the element of force organised for coercive purposes in human society can only be morally expressed as a police agency. Whether it exists in the national or international sphere, it cannot rightly be applied in the performance of any other function. If this definition is accepted, organised force throughout the world may roughly be divided into three main categories. It is true that these categories may impinge upon each other and that no clear-cut dividing line exists separating them into water-tight compartments. Nevertheless, at the moment they broadly represent the various stages of civilisation in the evolution of mankind, and express the practical application of the police function in the world as it is to-day. The first category consists of those forces engaged in maintaining law and order within the confines of each State. The second comprises the forces entrusted with the policing and protection of colonies, overseas dependencies and mandated territories, whilst the third represents the forces assigned to the international authority for the purpose of maintaining international law and order.

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[1] "This treaty shall put force back of righteousness, shall provide a method of securing by the exercise of force the observance of solemn international obligations."—Theodore Roosevelt, *Why America Should Join the Allies*, p. 23.

[2] "All power to coerce should henceforth be put at the disposal of the community, and no longer be wielded by the unlimited sovereignty of the powerful nations."—Madariaga, *Disarmament*, p. 143.

VI

Category I

THE forces included in the first category are charged with the important and elementary duty which devolves upon the government of every State. In primitive times force was organised on a family or tribal basis,[1] and afterwards it was adapted to meet the growing needs of society in the kingdom, republic, federation or empire. To-day every civilised community has organised its forces in such a way as to provide its executive with the means of enforcing the decisions of the courts. There is no uniformity in these arrangements: they differ in many ways and each country has its own peculiar system, the product of its historical growth, natural environment and national characteristics.

In most countries the ordinary police duties are performed by constabularies, gendarmeries, frontier and forest guards, Customs officers and other officials, all of whom are charged with the execution of the laws. The precise duties allotted to each of these sections may vary from time to time and from State to State, but broadly speaking they may all be included under the general description of constabularies. In any emergency they may all be called upon to act in a coercive capacity, whatever their ordinary duties may be. Under normal conditions, the constabularies may be regarded as the executors of the civil law. During periods of disorder or civil commotion they may be reinforced by the national armies of the State, and to this extent the latter may also be considered as policemen.[1]

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[1] See chap. IV, p. 155.

The number of effectives enrolled in the constabularies in proportion to the populations they are called upon to police appears to vary in different countries. Consequently, with the information available, it is difficult, if not impossible, to institute any classification of or comparison between the forces employed in the various States. To give one illustration, the approximate ratio of gendarmes to the population in Belgium is one to 1,300.[2] In addition to these, however, there are in existence other units of the civil constabulary which increase the forces available for the suppression of disorder. In Great Britain the ratio of the municipal constabularies to the population is approximately one to 700,[3] whilst France possesses a constabulary force of approximately 57,300,[4] together with 23,000 gendarmes and Republican Guard, which she supplements, when

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[1] " It will be many a long day before armies and navies can be entirely abolished, for they are the nation's visible police, without which Governments would be powerless to compel and maintain order."—Admiral C. F. Goodrich in *The Nineteenth Century*, July 1911, p. 27.

[2] The Belgian gendarmerie numbers 6,048 officers and men. The total population is approximately eight millions.—*Armaments Year Book*, 1928–1929, pp. 35, 50.

[3] The police in the United Kingdom comprise 66,823 men, the estimated total population being 45,625,000.—*Whitaker's Almanack*, 1930, p. 516.

[4] This figure was, in 1924, made up of *Commissaires de Police* 861 ; *Gardes Champêtres Communaux* 28,915 ; *Gardes Forestiers*, 5,502 ; *Agents de Police*, 19,509 ; *Agents de la Police Spéciale* 2,556.—*Annuaire Statistique*, 1927, p. 104.

" The Judicial police under the Maires and Juges de Paix include Commissaires de Police, the Gendarmes, and in the country, Gardes Champêtres and Gardes Forestiers. These are specially concerned with required, by earmarking about 125,000 men from the regular army for this purpose[1] It follows that, broadly speaking, the ratio of the French constabulary to the population is one to 500.

It would be wrong to assume from these figures that the populations of Belgium and Great Britain are necessarily more law-abiding than the people of France. The explanation probably lies in the fact that these calculations are incomplete, that local conditions and customs vary in these countries, that the duties assigned to the various classes of personnel included in the constabularies differ, and that greater stress may be laid upon the police function of the army as a reinforcing agency in some countries than in others.

The Treaty of Versailles provided that the numbers of the German constabulary were not to exceed the numbers functioning in 1913, and that any future increase was to be in proportion to the increase of the population.[2] It was also stipulated that this force could not be used for military purposes. Thus the German constabulary was strictly limited, both in respect of numbers employed and their equipment, whilst the national army—the force available for reinforcements—was stabilised at 100,000 men. In the opinion of the Allied Staffs this complement of armed force was deemed

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the detection of criminals and the gathering of evidence. . . . The administrative police correspond, more or less, to the police constables of Britain, and include the men commonly called Sergents de Ville, Agents de Police, etc."—*E.B.*, 14th edition, Vol. IX, p. 587.

In addition, there are 33,116 *Gardes Particuliers Assermentés en exercice* (gamekeepers) and 1,849 *Gardes-Pêche* (fishery guards), who are not included in the above figure.

[1] " Apart from the gendarmerie and the Republican Guard " (which in 1928 numbered 32,247) " . . . the maintenance of internal order, which requires a minimum of 125,000 men, falls largely upon the army."—Statement of the French Government, 1922 : *Records of Third Assembly : Minutes of Third Committee*, p. 100.

[2] " The number of gendarmes and employees or officials of the local or municipal police may only be increased to an extent corresponding to the increase of population since 1913 in the districts or municipalities in which they are employed."—Treaty of Versailles, Article 162.

sufficient to safeguard the internal security of Germany, although at that time anarchy and insurrection threatened to overthrow the newly-established government of the country.

It may be inferred from this arrangement that it is possible to determine the forces which are considered necessary to provide adequate sanctions for municipal law. The strength of the constabularies can be gauged, together with the military forces which may be necessary to deal with emergencies. This principle was recognised by the League when the Second Assembly authorised the Council to circulate a questionnaire amongst its members on the subject of disarmament. The Third Committee expressed the view that: " the Governments should be specially requested to indicate separately the police and military forces which they consider indispensable for the preservation of domestic order and the expenditure entailed thereby."[1] Before the Third Assembly met replies had been received from twenty-four States,[2] which showed that the police systems in these countries differed greatly and that the military forces primarily intended for national defence were involved in varying degrees in the operation of these systems.[3] At the same time, the broad fact emerged that the constabularies were a recognised and separate force whose numbers could be computed, whilst the reinforcing factor might also be estimated. If, in future, all organised force is to be regarded as a policing agency the task of apportioning the forces required under this category would be simplified.

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[1] Report of the Third Committee of the 1921 Assembly: *Records of Second Assembly, Meetings of the Committees*, Vol. I, p. 415.

[2] These replies are contained in the *Records of Third Assembly: Minutes of Third Committee*, pp. 87–126.

[3] " The majority of the governments have indicated the forces which they judge to be indispensable for the maintenance of order, and have specified that they were composed in part of police forces or specialised gendarmeries whose cost of upkeep was high, and that they partly relied on the utilisation, if necessary, of the army. But there are profound differences of organisation in the different countries."—Report of the Temporary Mixed Commission, September 7th, 1922. *Records of Third Assembly: Minutes of Third Committee*, p. 65.

Germany was compelled to base her establishment for the preservation of order on a figure which may be less than or in excess of her requirements.[1]

The people who pay for these Services and whose governments are responsible for maintaining the peace are clearly best qualified to decide what the strength of their constabularies and reinforcements should be. It is highly improbable that they would desire to increase their taxation or emphasise their domestic lawlessness by increasing the constabularies beyond their actual requirements. Consequently, each State should be invited to specify the number of men it needs for policing purposes. In the majority of cases the international authority could safely accept these figures without running the risk of impairing its scheme for international sanctions.[2]

VII

Category II

THE forces comprised in Category II fulfil a dual purpose. They maintain law and order in colonies, overseas dependencies and mandated areas: they also protect these territories from the attacks of semi-civilised tribes and barbarous peoples, who, impelled by the lust of plunder, frequently cross the frontier and indulge in border raids. From a practical standpoint this form of protection may be regarded as part of the police function. The general insecurity, both internal and external, makes special demands upon the forces entrusted with these responsibilities. In India, Morocco,[1] Syria and Palestine the policing forces are constantly called upon to exert pressure upon the recalcitrant members of the community or to repel bands of marauders on the frontiers. Not only must they be prepared to deal with raids and robbers, but they must also be ready to repress incipient revolts and civil commotions which otherwise might speedily assume menacing proportions. Consequently, in these countries less reliance can be placed upon the constabularies and greater responsibility is put upon the shoulders of the military authorities.[2] Just as the Roman Legions garrisoned the provinces of the Empire, so British and French Divisions police India and Morocco. If they were suddenly removed without any reliable substitute to take their place, a flood of anarchy might be let loose which would destroy every vestige of civilisation in these inflammable and heterogeneous communities.

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[1] "Lloyd George asked Foch whether there was anything in the (German) demand for 200,000. Foch said there was nothing: if you gave 200,000 they would ask for 300,000. . . . Lloyd George not quite satisfied, nor I, so he asked me. I repeated what I have often said, viz. that nobody knows the right figure. The Boches may be right. We may be right. Nobody knows, but what we do know is that the Boches have never yet employed 100,000, so how can they claim the necessity for 200,000?"—Diary of Sir Henry Wilson in Callwell's *Life*, Vol. II, p. 249.

[2] In reporting to the Assembly the views of the Third Committee of the 1922 Assembly on the replies received from twenty-four governments, Lord Cecil said: "They show that the forces maintained by the various Governments for the purpose of the maintenance of internal order are relatively very small: that, in consequence, the military effort made by the various countries is almost exclusively intended as defence against aggression from without."—*Records of Third Assembly, Plenary Meetings*, Vol. II, p. 165.

In comparison with the municipal requirements of independent and self-governing States, it may be more difficult to determine the strength of the forces necessary to meet the policing and protective needs of the territories included in this category and the arrangements for their reinforcement. The experience of the past, however, furnishes a guide in each case.[3] In the initial stage the figures may be assessed on the basis of the *status quo*, adjusted from time to time as the inhabitants of these countries gradually develop into self-governing communities. The policing systems applied to mandated territories may also be of assistance in arriving at the proper estimates.[1] If, by means of an international agreement, all the dependencies inhabited by semi-civilised peoples, but governed, garrisoned and policed by the white races [2] could be accorded a legal status by their inclusion in the mandatory system, this problem would be simplified. Nevertheless, it is not insoluble when it is regarded as part and parcel of a scheme for instituting a world system of police. Just as in the case of the constabularies, the ultimate decision as to what forces are required must rest with the governments which are responsible for administering these territories. They should be invited to furnish the international authority with a complete schedule of the forces which, in their opinion, are necessary for the effective policing of the countries committed to their charge. In submitting this statement, they will necessarily discard the present policy of treating their overseas contingents as potential reservoirs for the reinforcement of their home armies in

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[1] "In Morocco . . . the native population is still easily incited to rebellion. . . . In Algeria and Tunis we are compelled to maintain large military police forces over a very wide frontier . . . on account of the raids of desert robbers and the difficulties caused by tribes which are frequently at war with one another."—Statement of the French Government, 1922. *Records of Third Assembly, Minutes of Third Committee*, p. 99.

[2] See chap. VIII, pp. 302–304.

[3] "There are many colonial possessions throughout the world where . . . the armed units have been kept down to the absolute minimum

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essential for keeping the peace and protecting the frontiers. There would therefore be no lack of previous working standards."—Baker, *Disarmament*, p. 170.

[1] "The Administration for Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order and also for the defence of the country . . . but shall not use them for purposes other than those above specified save with the consent of the Mandatory." —Mandate for Palestine (Cmd. 1785 of 1923), Article XVII.

[2] "I have always quoted Sir George Milne's despatch as being a fairy tale of what a handful—and they were only a handful—of regimental officers and British soldiers were able to do in those somewhat restless countries and in somewhat turbulent days . . . you will find a young subaltern, a couple of sergeants and five-and-twenty soldiers keeping law and order in a part of the world as big as Yorkshire, administering justice, collecting revenue and generally speaking 'running' a small country to the enormous benefit—economically, financially and materially —of the natives of that country."—Diary of Sir Henry Wilson in Callwell's *Life*, Vol. II, p. 164.

the event of war.[1] It is clear that when the home or metropolitan armies, in their new character as quotas of the international force, have also been transformed from military into police forces these reinforcements will no longer be required, because the strength of the quotas will be based upon the requirements of the international authority. It follows that the sinister policy of converting the coloured races into recruiting grounds for the armies of Europe will be abolished. In the atmosphere of security which the existence of the new international regime will create, it will become superfluous and unnecessary. If it is agreed that this factor of reinforcement as applied to native troops is to be omitted from the calculation, the policing requirements in the form of constabularies and military forces submitted by the responsible governments could be sanctioned by the international authority as part of its scheme for the establishment of the reign of law.

VIII

Category III

IN the first two categories of organised force provision has been made for the enforcement of municipal law. It is assumed that the existing agencies have been tabulated and computed and that, as in the case of Germany, the police forces have been adjusted to meet the requirements of the respective governments both at home and abroad. These allocations, however, will have been voluntarily agreed to, and from time to time may become the subject of readjustment.

When all these requirements have been satisfied, there remains a residue of organised force in the world which at present is ostensibly maintained for the purpose of self-defence[1] against hostile States. This residuum is now distributed amongst the national sovereignties, each of which arbitrarily decides how much it requires and for what purpose it shall be employed. If it is to be used as a policing agency, and as the sanction of international law,[2] it must necessarily be organised with that end in view. During the process of organisation it may be found possible to dispense with a large part of the residuum, to curtail its dimensions, and thus to achieve a considerable measure of disarmament.[3]

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[1] The French Army in 1922 comprised 690,000 men. 205,000 of these were North African and colonial troops.—Statement of the French Government; *Records of Third Assembly, Minutes of Third Committee*, p. 103.

India contributed to the man-power of the British Empire in the World War by sending overseas 800,000 combatants and 400,000 non-combatants.—*E.B.*, 14th edition, Vol. XII, p. 200.

The clashing of competing physical forces has been the age-long method of making vital adjustments in the international life of communities. The future contemplates the triumph of reason in this sphere, but if that is to be achieved it implies, not the entire disappearance of material force, but the centralising of it.[4] This consummation, however, can only be realised through the instrumentality of the international authority, which should be empowered to specify its requirements as a policing agency. Moreover, each State-member should agree to apply its share of the residuum for this purpose.

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[1] "The proposal that the Governments should make specific returns of what they require for the preservation of order is based on the consideration that with these forces the League of Nations has no concern. . . . The rest of the forces of each State are for the purpose of combating foreign foes, and it is this portion of the forces which it is the duty of the League of Nations to reduce. It is of great importance that the peoples of the world should be made aware that most of the money and personnel devoted to armaments is the direct consequence of international fear and suspicion, since it is only by a realisation of this truth that an effective appeal can be made to the reason and conscience of mankind in favour of a serious reduction of armaments."—Report of Third Committee, 1921; *Records of Second Assembly, Meetings of Committees*, Vol. I, p. 416.

[2] "What must be affirmed even to-day is that force must be used more and more for the service of the law of nations."—Jarousse de Silac, quoted by Walther Scheucking in "Der Staatenverband der Haager Konferenzen," in *War Obviated*, p. 205.

[3] For, as Lord Cecil has pointed out, the forces maintained for the preservation of internal order are relatively very small. See p. 352, note 2.

[4] As Oscar T. Crosby has observed, "Centralised Force tends to eliminate all force, including itself."—See chap. XII, p. 481.

The international authority should also be charged with the responsibility of organisation which, in turn, involves the creation of an international police force. This organisation will be discussed in the ensuing chapters.

It will, therefore, be seen that the forces included in this category comprise the armies and navies of all those nations which are prepared to escort justice and to make force subservient to her decrees.

IX

Conclusion

BRIEFLY summarised, the conclusions reached are as follows.

All three categories are to be employed exclusively in the exercise of the police function. The size and equipment of each will be regulated by the duties entrusted to them, acting in their own spheres. No longer will each State rely exclusively or mainly upon its national armies and navies for protection against external aggression. The international authority henceforth will become responsible for the security of its member-States under certain conditions defined by international law. When, in every country, the claims of municipal law upon organised force for the provision of sanctions have been satisfied, the residue will become available as the sanction and protective agency of the international authority. No longer will the claims of self-defence be the determining factor in the size or character of the organised force to be maintained by each State, and the measure of its increase or decrease will depend solely upon the requirements of the international authority and not upon the arbitrary will of each individual State.[1] Only to those States which remain outside the circle of the international authority will the exigencies of self-defence remain an absolute necessity, because they will be precluded from invoking the assistance of the international force.

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[1] "Let it be said again and not for the last time, the only solution of the problem of disarmament lies in the organisation of the World-Community in such a way that power may be used only as a weapon of the World-Community against law breakers."—Madariaga, *Disarmament*, p. 195.

Moreover, these three categories broadly correspond to the three classes of police—the constabularies, the national police and the international police—which, as we have seen,[1] will be distinguishable by the character of their weapons when the principle of differentiation has been applied to the policing systems of the world.

The problem of the right use of force has still to be solved in the realm of international relationships. The framers of the Covenant evaded the issue. They refused to recognise that amongst all civilised and democratic communities force can only be morally expressed in the performance of a police function. They failed to distinguish between this function and the right of self-defence.[2] Consequently, their projected scheme of disarmament was still-born, and the right to make war remains.

At the conclusion of the Great War force, bleeding and emaciated, might have become the willing slave of justice and the custodian of peace. Imperialism, however, willed otherwise. Exalting the mystic properties of the sovereign State, clinging to the ancient right of imposing its will unimpeded by the law of nations, it rescued force from the bondage of international law, and sought to prostitute it once more in the service of tyranny and oppression. It remains for the reformers of the future to give force its rightful place in the sphere of international relationships. They cannot afford to wait indefinitely. Shrunken in body, chastened in spirit, with feeble pulse and halting gait, force is slowly but surely recovering from the shock of Armageddon. The surgeons may perform minor operations and amputations, but so long as the patient is free to recuperate in the atmosphere of ultra-sovereignty, he will rapidly increase in weight and, assuming his old robust character, will once more wreak his vengeance on mankind. If, however, in the meantime the energies of force can be enlisted in the service of morality and reason, the progress and prosperity of humanity will be assured for centuries to come.

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[1] See chap. VIII, pp. 328–329.

[2] See chap. VI, p. 205.

CHAPTER X

AN INTERNATIONAL POLICE FORCE

"Nation shall not lift up sword against Nation, neither shall they learn war any more."—ISAIAH.

I

Introduction

"REALISE his Commonwealth of Europe for a single day and you may be sure that it will last for ever; so fully would experience convince men that their own gain is to be found in the good of all."[1]

The Commonwealth envisaged by Saint-Pierre[2] was not intended to be an ephemeral project, based upon sanctionless laws and treaties. The articles of its constitution provided for an international army and navy which were to be entrusted with the dual responsibility of protecting the Commonwealth against outside aggression and of maintaining the law within the circle of its membership.

The new commonwealth has extended its boundaries beyond the confines of Europe and, with the exception of two Great Powers, America and Russia, it practically embraces the inhabitants of the globe. Emerging from the shadows and horrors of a great war, it was created with the avowed intention of banishing this spectre from the world. Up till now, however, it has been content to rely upon vague undertakings on the part of its members[3] which have hitherto steadfastly refused to hand over any hostages for their good behaviour.

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[1] Rousseau, *A Lasting Peace through the Federation of Europe*, trans. Vaughan, p. 93.

[2] See chap. II, p. 78 *et seq*.

[3] "This whole fabric is a league of sand, a rope of sand, without any power whatever except moral suasion."—Senator Brandegee. "Not even that."—Senator Borah. (Hearings of Committee of Foreign Relations of U.S. Senate, August 6th, 1919, *Senate Document* 106, 66th Cong., 1st Session, p. 213.)

Saint-Pierre believed that his plan would not succeed unless his Commonwealth was armed with a tangible and visible sanction, representing the combined determination of its members to repel aggression and enforce peace. During the centuries which have since elapsed this view has on many occasions been confirmed by human experience and has been frequently reiterated by statesmen and philosophers.[1] The new commonwealth will rest upon an insecure foundation until it has been equipped with an international police force. The peoples who have covenanted together to outlaw war are now brought face to face with the practical problem of organising this force.

II

The International Police should possess Superiority of Force

THERE are five considerations which should be taken into account in the organisation of an international police force.

Firstly, the force at the disposal of the international authority should be superior in numbers and armament to any other force against which it may be opposed. The possible opponents of the international police force fall roughly into one of two classes, namely, the recalcitrant State-member of the commonwealth or the non-member State. It might also be called upon to face a combination of these States. It is clear that unless the international authority is able to compel obedience to the articles of its constitution and its code of law, it will fail in the execution of its purpose. It must, therefore, be sufficiently powerful to deter and, if necessary, to restrain[2] any State-member which transgresses the law of nations. As, however, the respective strengths of the national forces[1] are based on the requirements of the international police force, the superiority of the latter over any one State-member is assured. It is difficult to imagine that any single nation would dare to contest this superiority. Only in the event of a combination of States-members to overthrow the international authority, just as the secessionist States of America endeavoured to defeat the Federal Government, would the existence of the Commonwealth be endangered.

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[1] See chap. II, and Appendix B.

[2] "The guardians of the world's peace can act and must act before the event or the crime."—Walston, "Can the League of Nations be Saved?": *Documents of American Institute for International Conciliation*, 1923, p. 912.

As a protective agency the international police force must possess an undoubted superiority over the forces of any outside State or probable combination of non-member States. Unless this superiority existed, no State-member—and especially those which were neighbours of non-member States—would enjoy a sense of security nor would they be able to repose any confidence in the international authority for protection against outside aggression. Moreover, during the application of coercive measures against a recalcitrant State-member, the international authority might be faced with opposition from a non-member. An economic blockade, for instance, directed against a defaulting European nation might incur the wrath of an imperialistic America or a despotic Russia.[2] The international authority would then be compelled either to abandon the enforcement of international law or sternly to repudiate the interference of those nations which remain outside the international commonwealth. As these nations gradually direct their footsteps towards the commonwealth fold it will be possible to diminish correspondingly the strength of the international police force. When, leaving the pastures of splendid isolation, they have all become members of the flock, the commonwealth will be able to reduce its police to the smallest dimensions, and thus to complete the process of disarmament. Until, however, this consummation has been achieved the military, naval and air superiority of the international authority over each of the non-member States should be absolute and decisive.

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[1] i.e. Category III, see chap. IX, p. 355.

[2] See chap. XI, p. 389.

III

Sanctions of Municipal Law should not be Impaired

THE second consideration is that the organisation of the international police force should not impair the ability of the national governments to maintain law and order within their own territories, both at home and abroad. The forces required to undertake these duties, the constabularies and the national armies, henceforth known as the national police,[1] must still be sufficiently powerful to meet the needs of their respective governments. This factor should not be lost sight of in constituting the international force, which cannot be called upon to intervene in the domestic affairs of any sovereign State. The governments of these States are alone responsible for the effective policing of their own peoples.

It has been pointed out that the efficiency of the national forces entrusted with this duty will not be impaired if the character of their arms is limited to those weapons with which they were equipped in pre-war days.[2]

IV

States-members should Contribute to the Maintenance of the International Police Force

THIRDLY, every State participating in the scheme of international sanctions must contribute towards the cost of its inauguration and maintenance in personnel, armaments and money. Those States which refuse to shoulder their appropriate share of the burden should be precluded from invoking the services of the international force. They may be permitted to submit their disputes for adjudication before the tribunals of the international authority, but they should not be allowed to nominate the judges and arbitrators nor to exercise any control over the department of sanctions, unless they are also prepared to share the responsibilities and risks in the execution of the scheme.[1] It is clear that if judges and arbitrators were appointed by non-member States they would become responsible for decisions and awards which other nations would be called upon to enforce, whilst their own peoples adopted a policy of masterly inactivity. Such an arrangement would be manifestly unfair and unworkable. Consequently, nations should not be allowed to avail themselves of the services of the international force only on occasions when it suited their purpose to do so without participating in the general obligations which the establishment of such a force involves. This principle should be impartially applied to all civilised nations, large or small, strong or weak, and when each realised "that its own gain was to be found in the good of all" it would not hesitate to undertake these liabilities.

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[1] i.e. Categories I and II; see chap. IX, p. 348 *et seq.*

[2] See chap. VIII, p. 327.

V

Unity of Control Essential

FOURTHLY, the organisation of an international force implies unity of control and command under the direction of the international authority. There may be various degrees of unity and these will depend upon the particular scheme under which the international police force is constituted.

It may be sufficient to equip the international authority with a headquarters staff to co-ordinate the movements and employment of the national quotas. On the other

[1] "In addition to the contracting Powers, a certain number of outside nations should be named as entitled to the benefits of the court. These nations should be chosen from those which were as civilised and well-behaved as the great contracting nations, but which, for some reason or other, were unwilling or unable to guarantee to help execute the decrees of the court by force. They would have no right to take part in the nomination of judges, for no people are entitled to do anything towards establishing a court unless they are able and willing to face the risk, labour and self-sacrifice necessary in order to put police power behind the court."—Theodore Roosevelt, in *Why America Should Join the Allies*, pp. 46–47.

hand, it may be considered necessary that the entire force should be placed under the direct control of the international authority, or that the scheme should include both these elements in a composite force. But whatever the actual structure of the force may be, it is essential that it should be endowed with cohesion and mobility. The deterring influence of a police force mainly consists in its capacity to act promptly when the emergency arises. Its object is to prevent crime rather than to punish it. It must be organised before and not after the crime has been committed. The municipal constabularies may be administered as semi-independent units on a county or provincial basis, but their duties are co-ordinated by the central government which controls the military reinforcements.[1] Similarly the international authority may enlist the services of the national police,[2] in the form of quotas administered and controlled by national governments. At the same time it may possess under its direct control a reinforcing contingent, the international police, specially armed and equipped for the tasks entrusted to it.[3] In any case, whatever form the international force may assume, it is essential that a headquarters staff should be created to organise its administration and ensure prompt action when it is called upon to function.

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[1] The police forces of England comprise (*a*) the metropolitan force, (*b*) the county and borough forces, (*c*) the City of London force. In the first there is perfect centralisation; no local authority has anything to do with the system. Its supreme supervisory control is given to the Home Secretary. The third is a force apart from the other systems, but the second group occupy an intermediate position. The Standing Joint Committees and the municipal authorities determine the general disposition and government of the forces under their control. They are, however, subject to the general rules for the government, pay and clothing of constables issued from time to time by the Home Office. The central control is provided by the Royal inspectors on whose report depends the receipt of the Treasury subvention.—F. W. Maitland, *Justice and Police*, pp. 110–112.

[2] See chap. VIII, p. 833.

[3] It may be interesting to compare the position of the county police forces with that of the National Police as indicated in chap. XI. In special emergencies or under exceptional circumstances a police authority may strengthen its force with constables belonging to another force on terms agreed to by the several police authorities.—See 53 and 54 Vict. c. 45, s. 25. They can, too, call to their assistance the Criminal Investigation Department, a "specialised" force, 830 strong, of the Metropolitan Police.

The vital significance of unity of command was unmistakably demonstrated during the Great War. The Allies, and in a lesser degree the Central Powers, were faced with this problem. In the case of the former a solution was not found until the eleventh hour when, on the brink of disaster,[1] they entrusted Marshal Foch with the supreme command. Only in the darkest moment and in the presence of extreme danger did the rulers strike off the shackles of ultra-sovereignty and, overcoming the rivalries of the national staffs, insist upon the unity of direction which had long since been overdue.[2]

Perhaps it may be impossible to achieve in time of peace the unity imposed by the stress of war. If passion is stronger than reason, if nations are powerless to combine their military resources, then mankind must perforce slide down the slippery slope to the city of destruction. If, on the other hand, in a calmer atmosphere, and under a saner political leadership, they can subdue their pride and banish their prejudices they may march steadily forward to the city of refuge. Upon the walls of this stronghold, unity of command is indelibly inscribed.

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[1] "It is a hard task you offer me now; a compromised situation, a crumbling front, an adverse battle in full progress. Nevertheless, I accept." So did Marshal Foch accept his appointment.—Cf. Churchill, *The World Crisis, 1916–1918*, p. 425.

[2] In the previous year Mr. Asquith and Mr. Lloyd George had been opposed to the appointment of a Generalissimo on the ground that he would not be subject to Parliamentary control.—*Commons Debates*, 5th Series, Vol. 99, Cols. 885, 896. This view was reinforced by the professional jealousies which existed between the military commanders of the Allied Staffs.—Cf. Diary of Sir Henry Wilson in Callwell's *Life*, Vol. II, p. 51.

VI

Comprehensive Character of the International Police Force

FIFTHLY, the organisation of the international police force should be comprehensive: it should embrace all the instruments of coercion, military, naval and aerial, within its circle. At the outset this arrangement will be imperative, but at a later stage it may be found possible to dispense with certain branches of the service. The underlying and basic conception that the only justification for the use of force is the police function will be destroyed if this function is to be limited either to armies or navies or air forces alone. A State-member cannot be allowed to contribute a military quota, and at the same time retain its navy or air force as an independent unit completely divorced from the international police force. Similarly, the exclusive pooling of navies or air forces, leaving the armies out of account, would only serve to rid the military nations of their responsibilities in the policing of the world. Such a one-sided arrangement could only end in chaos, and would inevitably render the task of disarmament much more difficult.

The United States of America proposed the creation of an international navy in 1911.[1] If this proposal had fructified, it might have marked the first stage on the road of international sanctions, but it would not necessarily have prevented the German Army from overrunning Europe in 1914.

In some quarters it is suggested that an international air force would alone suffice to keep the peace of the world.[2] It is highly probable that in course of time the chariots of the air will play a decisive part in the service of the international authority. It would, however, be premature to invest this arm with the sole responsibility of enforcing sanctions. The risk of failure would be too great. The peoples of the world cannot afford to run any risks when the sanctity of international law and the liberties of nations are at stake.

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[1] See chap. II, p. 101.

[2] In 1922 it was proposed that " each State which agreed to the Treaty of Mutual Guarantee would agree, also, to earmark a portion of its air forces as ' the first contingent of assistance.' "—Brig.-Gen. P. R. C. Groves, " Air Power and Disarmament," *Times*, September 18th, 1922.

In April 1929, in a letter to the President of the Preparatory Disarmament Commission, Mr. Clifford B. Harmon suggested the formation of an International Air Force.—*Documents of Preparatory Disarmament Commission, Series* 8, p. 10.

It follows that the international force should embrace, in one form or another, all those coercive agencies which in the preceding chapter are described as "the residuum."[1] Only then will the international authority be able to wield that superiority of force which, animated by a supreme moral purpose, will vindicate the cause of Justice and prepare the paths of Peace.

VII

Organisation of International Police Force

HOW is the international police force to be organised? A number of schemes have been suggested in the past,[2] but most of these have little bearing upon the immediate problem, because they were adumbrated before the Great War and could not, therefore, embody its lessons. It may be possible to produce a host of proposals, but these will probably be variations of one of three schemes, all of which are based on the five considerations already discussed.

The First Scheme.—Under the first scheme the international police force would be constituted by the provision of quotas drawn from each State-member,[3] and organised under the supervision of a general staff at the headquarters of the international authority.[1] In peace time the national quotas would remain under the direct control of their respective governments, and would be maintained by their national exchequers, whilst on mobilisation they would automatically come under the command of international headquarters. Their strength and equipment would be determined by the requirements of the authority, and not on any basis of self-defence prescribed by the national governments.[2]

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[1] See chap. IX, p. 355.

[2] See chap. II, and Appendices B and D.

[3] The Treaty of Mutual Assistance, as submitted to the P.A.C. in 1923, contained the following provision: "Each of the High Contracting Parties agrees to maintain at the disposal of such military command an agreed proportion, not being less than one-quarter, of its naval and air forces."—Clause 16 (*b*): *Records of Fourth Assembly, Minutes of Third Committee*, p. 154. The proposal is deleted in the amended text.—*Id.*, pp. 162–164.

The advantages of this scheme appear to be as follows:

Advantages

Recognition of police function.—Firstly, it implies the recognition of the right use of force as a police function in the relationship of States. The creation of a headquarters staff and the stabilisation of national armies and navies on the basis of international requirements would necessarily mean that the States-members repudiated their right to go to war, except at the behest of the international authority in the exercise of a police duty. In agreeing to this arrangement they would have given a tangible proof of their intention not only to abstain themselves from wars of aggression but also to compel their neighbours to do likewise. Thus the commitments of States-members envisaged in Article 16 of the Covenant and the "common action" referred to in Article 8 will be clearly defined. States-members and non-member States will know in advance the probable strength of the forces upon which the authority may count for the enforcement of international law. The principle of mutual assistance, hitherto vague and nebulous, would emerge in the form of a practical scheme, conferring a measure of security upon all its participants.

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[1] Cf. the French scheme proposed at the Peace Conference. See p. 126, and Appendix E.

[2] It may perhaps be interesting to recall that the army of the Germanic Confederation was in 1818 organised on a quota system. "The army of the Confederation was to be divided into ten corps, of which three were to be Austrian, three Prussian, one Bavarian, one assigned to Wurtemburg, Saxony and Baden, one to the two Hesses and the Thuringian States, and one to Hanover and the small States of Lower Germany. The whole was to be placed under the command of an elected General-in-Chief."—W. Alison Phillips, *Modern Europe*, p. 56.

Disarmament.—Secondly, the inauguration of this scheme would probably bring about a considerable measure of disarmament. This result will depend upon the number and power of the co-operating States-members. If the non-members decided to initiate a new armaments race in competition with the international authority, disarmament might be reduced to slender proportions. If the total of the national forces available for the quota scheme were hardly sufficient to cope with aggression on the part of non-member States, it could not be undertaken at all. On the other hand, as the international police force attained overwhelming superiority, its effectives and armaments could safely be reduced without impairing its utility or efficiency.

Minimum of interference with existing national establishments.—Thirdly, the establishment of an international police force based on the quota system would involve fewer and less drastic changes in the national war establishments than the introduction of more far-reaching schemes. It could be effected without seriously disturbing the *status quo*, except in the reduction of personnel and equipment. It would not necessarily affect the tactical organisations already in existence, and each national quota would be recruited and trained by its own War Office and Admiralty, subject to any advice or guidance proffered by the international headquarters staff. The French proposal for an international force[1] included provisions of this character to ensure an effective liaison between the national and international staffs.

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[1] See chap. III, p. 127, and Appendix E.

VIII

NO Adequate Guarantee.—On the other hand, there are objections to this proposal. Firstly, there would be no guarantee that the obligations entered into in the treaty establishing the international police force would be honoured when a crisis arose.[1] Each State would still be in a position to repudiate its pledge, and the international authority might find itself bereft of the support which it had counted upon. International morality has not yet reached a sufficiently high standard to warrant the assumption that a State will always fulfil its obligation to join in the enforcement of a judicial decision or to assist in protecting its neighbours from aggression.[2]

Objections

If the defaulting State-member was one of the Great Powers, the efficiency of the international police force might be seriously impaired. For instance, if Great Britain refused to employ her navy, the scheme of international sanctions might be wrecked. Under certain circumstances the Great Power might even support the recalcitrant State in its attempt to escape the consequences of a criminal act. The international authority would then be powerless to compel obedience to the law, and the world would revert to a state of anarchy.

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[1] "The whole idea of an international police force formed by the collocation of separate national units directly to obey the (immediate and rapid) orders of a body to whom it owes no direct allegiance is a *contrasenso.*"—Walston, "Can the League of Nations be Saved?" *Documents of the American Association for International Conciliation,* 1923, p. 913.

[2] "We have already pointed out above that a collective intervention, a collective mediation, etc., may certainly be useful under some circumstances, but that on the whole there is no ground to expect very fruitful work for the community of States from a combined action of this kind by interested Powers, an action which would be in many respects untrustworthy and apt to fall to pieces. . . . Moreover we could only seldom expect a really collective and unselfish action of the civilised States uninfluenced by selfish motives for the sake of the maintenance of acknowledged principles of justice. As a rule, then as now, it would be the 'personal' interests of the respective States which would move them to action."—Professor Rafael Erich in an article on the Problem of an International Police Force, reprinted in *War Obviated*, pp. 135–136.

Unless this uncertainty is removed it would be difficult to induce States-members to diminish their national forces within the limits prescribed by the authority.

Failure to Eliminate Competition.—Secondly, this form of organisation does not necessarily eliminate competition between the War Offices or Admiralties. So long as the activities of these establishments are only restricted in bulk and the competitive spirit is still allowed to inhabit their precincts the structure of the international police force would be undermined. The national staffs may resent the intrusion and supervision of the international staff. They may chafe under the restrictions imposed upon their activities. They may scheme to upset these arrangements. The temptation to discover or invent some new killing agency will not have been entirely removed, for the War Offices will still retain the complete armoury of weapons in their hands. The incentive to undertake and promote military and naval research will still be potent, for non-member States will not have renounced this species of competition, and will be stimulated to further efforts when they observe that the staffs of the States-members are also engaged in these proceedings.

The financial control of the quotas will remain in the hands of the National Exchequers. Consequently there will be nothing to prevent any government which chooses to play the traitor from secretly increasing its quota and manufacturing new armaments. It might also mobilise its potential strength by transforming its peace industries into accessories of war. In short, competition, though restricted, would be by no means eliminated, and so long as the nations remain the victims of mutual suspicion it is doubtful whether the restraint of the quota system would be sufficient.

Secession Made Easy.—Thirdly, secession is made easy. States which may have become parties to the treaty creating an international police force can denounce it without incurring any grave disability. A wave of reaction following the advent to power of a new political party may shatter at one blow the whole fabric of the treaty. The secessionist States of North America, their feelings and passions aroused, severed their allegiance to the federal authority. As we have seen,[1] the central army at the disposal of the federal executive was too weak to deter the secessionist States from this course. The federal government relied for its sanctions and protection upon the State militias, and these were organised on the quota system. This historical example furnishes a warning to every federal experiment which relies exclusively upon the quota system for its effective military sanctions.

Principle of Differentiation Disregarded.—Fourthly, it is not based upon the principle of the differentiation of weapons. Consequently, the great revelation of the war[2] is disregarded and the advantages to be conferred upon the international authority by the exclusive use of modern weapons are completely lost.

IX

The Second Scheme

THE second scheme is the establishment of a complete self-contained international army, navy and air force, and the abolition of all national forces except those required for the maintenance of internal order. This scheme carries to its logical conclusion the idea of a central force and removes the necessity for maintaining national armaments. It suggests a single unified police force under the direction and control of the international authority.[3]

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[1] Chap. VI, p. 215.

[2] See chap. VIII, p. 324.

[3] Sir Charles Walston has advocated the formation of a super-national police force, a " concentrated and ever-ready, compact army, navy and air force—ready as a modern fire brigade to hasten to the extinction of any conflagration within its reach."—See, e.g. " Can the League of Nations be Saved ? " : *Documents of American Association for International Conciliation*, 1923, and *The Future of the League of Nations.*

See also p. 377, note 2.

Advantages

Competition Eliminated.—The advantages of this scheme appear to be, first, that it will effectively put an end to competition in armaments between the States-members, because it involves the complete subordination of their national War Offices and Admiralties to international headquarters.

Disarmament Effected.—Secondly, it would probably bring about a comprehensive measure of disarmament at the initial stage, provided that a sufficient number of powerful States agree to co-operate in the scheme.

Increased Mobility.—Thirdly, it increases the mobility and effectiveness of the international police force. It could be mobilised and concentrated at the decisive point in the shortest space of time.

Unification of Staffs.—Fourthly, it simplifies the organisation of the force. National quotas would be replaced by an international army and navy, functioning under the orders of a unified headquarters staff.

X

Disadvantages

THE International Authority Should not Possess Monopoly of Force.—On the other hand, it labours under grave disadvantages. Firstly, the proposal to hand over the entire forces of the States-members to the exclusive control of the international authority would be to rush to the opposite extreme. Imagine a family which had lived in a tumbledown, windowless and almost roofless hut, being suddenly ushered into a gorgeous palace. They would probably become thoroughly demoralised and discontented. What they really require is a substantially built house whose roof and walls will afford protection from wind and rain. Likewise this scheme would endow the authority with a superfluity of force which it is hardly conceivable it will ever require.

Like all other human institutions, the international authority will not be perfect. Considerable time may elapse before it has won the complete confidence of the nations, and they cannot afford at the outset to concentrate all their available forces under the control of an embryonic institution which may be crushed under its own weight, and leave its members defenceless amidst the ruins. If under the first scheme the risks of decentralisation are great, under the second the risks of over-centralisation are greater.

The minimum amount of force entrusted to the direct control of the authority must suffice to eliminate all competition between the States-members, and to ensure that the employment of sanctions will not be solely dependent upon the fiat of one or other of the Great Powers.[1] Superiority of force over States-members and non-members is essential, but a super-superiority expressed in a monopoly of force might be fatal to the success of the whole enterprise.

Impracticability.—Secondly, the creation of a central standing army, composed of millions of men, in lieu of quotas, is impracticable. Such a force would be costly to administer. The expense of maintenance would be excessive in comparison with the annual expenditure on quotas. It could only be located and garrisoned within the territories of States-members, an arrangement which might involve the international authority in endless disputes with the national governments. Ere long the contributions of States-members would probably cease, and the experiment would end in failure.

Municipal Sanctions Impaired.—Thirdly, the complete elimination of national armies or quotas would complicate the problem of maintaining law and order within the confines of each State-member, both at home and abroad.

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[1] "The League of Nations must be strong enough to restrain, if necessary, its strongest member. . . . There must exist in such an international force a single unit of the same nationality of equal strength to the navy of Great Britain. Such a unit with the assistance of the forces of the League would be able to enforce the mandates of the League against any power."—Memorandum of U.S. Naval Advisory Staff, March 14th, 1919; R. S. Baker, *Woodrow Wilson and World Settlement*, Vol. III, pp. 199–200.

The forces upon which the constabularies relied for reinforcements would have disappeared. The international police force could not be called upon to intervene in any domestic or internal conflict. Consequently, the duty of keeping the peace, devolving upon the national governments, would be impaired, and they might be embarrassed in the discharge of their responsibilities. In the present state of international morality they would never be prepared to leave their frontiers entirely unprotected. It follows that the employment of national police or quotas should remain as an integral part of the international plan.[1]

No Liaison Between National and International Staffs.—Fourthly, the abandonment of the quota scheme would involve complete separation between the national governments and international headquarters. Under these conditions no liaison would be possible between the national and international forces. Personal contact between the respective staffs would be entirely lost, and the peoples of the member-States might cease to regard the international police force as a necessary part of their defensive systems.

XI

The Third Scheme

THE third scheme consists of a composite international force embracing the national quotas and a specialised contingent enlisted, equipped and controlled by the international authority.[2] This scheme is based upon the principle of differentiation of weapons.[3] The quotas described in Chapter XI[4] as the national police will be armed on a pre-war basis, whilst the specialised contingent or international police are equipped with those weapons which were introduced or expanded during the war.[1] As we have seen, the two elements included in this composite force are distinguishable from each other by the character of their weapons and armament.

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[1] See chap. VIII, p. 329.

[2] Compare the scheme prepared by General Gerard, the distinguished French representative on the Disarmament Commission of the International Federation of League of Nations Societies, and approved of by the Commission for purposes of information and study in March 1923. See Appendix D, where the scheme is reproduced in full.

[3] See chap. VIII, p. 326 *et seq.*

[4] See p. 383 *et seq.*

The following considerations may be urged in favour of this scheme.

Superiority.—First, it confers an unmistakable superiority upon the forces at the disposal of the international authority in comparison with those of the States-members. Moreover, if a sufficient number of powerful States cooperated in the scheme this superiority will also apply in comparison with the forces of the non-member States. In an emergency it will be decisive and absolute.[2]

Competition Abolished.—Secondly, it abolishes competition between States-members in armaments, military and naval research, and the introduction of new weapons, whilst in the event of non-member States precipitating a new armaments race it concentrates all these activities under the international authority.

Disarmament.—Thirdly, it will probably produce a substantial measure of disarmament unless non-member States decide to pursue a policy of competition. Disarmament will be achieved when States-members voluntarily apply the principle of differentiation, which they have already imposed upon Germany, to their own national forces.

Element of Permanence.—Fourthly, it possesses an element of permanence. Members of the international commonwealth will not hastily endanger their security by withdrawing themselves from the protection of the international police force. Having given hostages for the future by surrendering their most potent and modern engines of destruction, they would hesitate before severing their membership. Such a procedure would only involve the re-armament of their national forces at enormous cost to the seceding States. Having once experienced the benefits of the scheme, they would not lightly throw it overboard. They would be less likely to display the petulance which has already characterised the action of some members of the League.[1]

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[1] See chap. VIII, p. 327 *et seq.*

[2] "A perfectly organised and ever-ready force of the most modern type, including all arms, compact and mobile, could break down any resistance of the most military State that can be conceived."—Walston, "Can the League of Nations be Saved?": *Documents of the American Institute for International Conciliation*, 1923, p. 915.

Sovereignty Preserved.—Fifthly, this alternative safeguards the sovereign rights of the participating States. The national quotas, representing the man-power of the international police force, will remain under the control of their respective governments. They can only be mobilised by their national executives.

The international police or specialised contingent, representing the modern armaments or machinery of war, will be maintained by the contributions of States-members, which retain absolute control over the staff and personnel of the international authority, exercised through the power of the purse. Unless monetary supplies are forthcoming, the international police will cease to exist, whilst the quotas remain intact. Consequently, the adoption of this scheme will not encroach upon the new and rationalised conception of sovereignty.[2]

Practicability of the Scheme.—Sixthly, this scheme contains the elements of practicability. It does not interfere unduly with the tactical arrangements of every country. The quotas may still be recruited, trained and located by the national governments, subject to any general regulations which may be voluntarily agreed to. The personnel of the international police will be relatively small in comparison with the quotas. They will all be specialists in their own particular branches of the Service, airmen, tankmen, super-artillerymen, chemists and naval personnel. Consequently, the problem of providing international bases, cantonments and depots will be greatly simplified, whilst the mobility of the specialised force will obviate the necessity for its complete centralisation.

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[1] In consequence of the failure of their candidature for permanent seats on the Council, Spain and Brazil in the summer of 1926 gave notice of withdrawal from the League. Brazil ceased to be a member of the League at the expiration of the notice. The Argentine delegation left the 1920 Assembly as a protest against the postponement of the discussion of certain amendments it had regarded as vital. Argentina has continued a member of the League, but has not been represented at any subsequent Assembly.

[2] See chap. V, p. 202.

Liaison Assured.—Seventhly, this alternative ensures a close liaison between the staffs of each State-member and the headquarters staff of the authority. Every nation will feel that it is directly interested in the development and efficiency of the international police force, and that its security against aggression depends upon the closest co-operation with the international authority.

Self-Defence Assumes Relative Proportions.—Eighthly, the principle of self-defence is recognised in a relative and modified form.[1] The national quotas remain to guard the frontiers, but they no longer constitute the sole protectors. If an act of aggression has been committed, the international police will hasten to their assistance, followed by the quotas of other States-members. The absolutism of self-defence will have been replaced by a co-operative system, built upon the eternal foundations of morality and justice.

XII

Conclusion

IN the present state of international opinion all these schemes may appear at first sight to be far removed from the realm of practical politics. And yet, with possible variations, they broadly represent the three alternative roads which nations must laboriously follow before they reach the citadel of permanent peace. Human experience throughout the ages has proved that there is no other way. The first route is the longest and has many sharp corners, twistings and turnings, which add to the risks of the traveller. The second is the shortest, but it skirts the edge of yawning precipices where one false step might be fatal. The third, mapped out by the Great Architect of the universe, reproducing on a grander scale the plans He has already sanctioned in every civilised community, is scientifically constructed and designed to meet the ever-growing needs of mankind. It traverses the valley of co-operation, surmounts the hill of competition, rides astride the ridge of superiority and finally descends into the plains of security and peace.

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[1] See chap. IX, p. 357.

To sum up, the third scheme offers the best solution of this difficult problem. Whilst it embraces most of the advantages urged on behalf of the first and second schemes, it also meets the objections which may be levelled against them. Its practicability and the conditions of its success will be discussed in subsequent chapters.

XIII

The Functions of the International Police Force

THE functions of the international police force are two-fold; to repel aggression on the part of a member or non-member State, and to enforce the decisions of the judicial and arbitral tribunals of the international authority. Aggression, as we have seen,[1] is a question of fact which must be determined by the appropriate organ of the authority. In its commonest form it is manifested in the crossing of frontiers by an armed force. It constitutes the sudden invasion or "flagrant violation" referred to in the Treaty of Locarno, which automatically puts into operation the clauses providing for mutual assistance on the part of the guarantors of the Pact.[2]

As the instrument for enforcing the sanction of international law, the international police force operates as a coercive agency. When the appropriate tribunal pronounces a judicial decision or an arbitral award, the authority becomes responsible for its execution. Under Article 16 of the Covenant, when the cooling off period has terminated, the first step is to exert pressure by means of an economic boycott, should either of the litigants refuse to comply with the decision or award of the Court. It is clear that the boycott will not become effective, unless the ports and frontiers of the defaulting State are blockaded. Economic coercion is thus brought to bear through the instrumentality of the international force. At this stage, the employment of military force in a positive sense does not arise. The international force does not assume the offensive. It is not hurled into the territory of the defaulter. This condition of tension, however, is unlikely to continue for long. Either the recalcitrant State will commit an act of aggression, culminating in hostilities or, as is much more probable, it will agree to carry out the decision of the international authority. In both cases, firstly as the protector of the victim against aggression, and secondly as the sanction of international law, the international force has played a purely defensive rôle. Unobtrusively it has exercised the police function, and as far as possible it has remained in the background and refrained from any act of provocation.

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[1] See chap. III, p. 136 *et seq*.

[2] Annex "A" to the Locarno Final Protocol, October 16th, 1925; Article IV, 3.

It has been pointed out that it does not fall within the province of the international force to intervene in the domestic affairs of any State, whether it be a member or non-member of the international authority. The doctrine of non-intervention should be made clear and absolute. It was upon this rock that the Quintuple Alliance came to grief.[1] The internal dissensions within a State are no immediate concern of the international authority, and on no occasion should the international police force be used to suppress them. Unless revolutionary movements have developed into acts of aggression directed against other nations, the authority cannot take any cognisance of their existence. Each State has its own police and national forces [1] to deal with these emergencies.

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[1] Cf. W. Alison Phillips, *Modern Europe*, pp. 122–123. For the reiterated protests of Castlereagh against the decisions taken at Troppau and Laibach see C. K. Webster, *The Foreign Policy of Castlereagh*, chap. VI.

Moreover, unless the national police or quotas are recognised as an integral part of the international force there will always be the danger of intervention by one State in the domestic affairs of another. This risk will be still further reduced when the authority controls the international police or specialised contingent. Unlike the Holy Alliance States-members will not be tempted to suppress, nor will they possess the means of endangering, the liberties of Europe.

Moreover, the definitions and limitations of all these functions will be incorporated in the treaty constituting the international force.[2] Like all other police forces, its duties will be prescribed and regulated by laws. Should any dispute arise as to the precise meaning of these regulations, they will be interpreted by the Permanent Court of International Justice. The existence of the international force, consecrated to the service of justice, will induce non-member States which have hitherto stood aloof to join in the establishment of the reign of law. No longer could they be regarded as civilised communities if they persisted in remaining outside this circle. No longer could they declaim against the international authority as a hollow sham and delusion, or thwart its police in the execution of their duties. The international commonwealth would have furnished sincere proofs, on behalf of its members, of its devotion to justice. Hereafter any Great Power which refused to abandon its isolation would be branded with the hallmark of imperialism as an enemy of the community of States. The advent of the international police force will become the touchstone of its whole-hearted loyalty to the cause of peace.

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[1] i.e. Categories I and II. See chap. IX, p. 348 *et seq.*.

[2] Cf. Den Beer Poortugael, cited chap. II, p. 110.

CHAPTER XI

THE NATIONAL POLICE OR QUOTAS

> "Nothing can be more equitable than for every one to contribute in proportion to his power, and consequently in proportion to his revenues, and for the richest to pay most, since he is the greatest gainer by the perpetuity of the peace, whether by the retrenchment of the charge of war, whether by the augmentation of commerce, whether by any of the other advantages of this perpetuity."—Saint-Pierre.

I

Nature and Functions of Quotas

WE have seen in Chapter VIII that after employing the principle of differentiation, it was possible to classify the police forces of the world under three descriptions: the constabularies, the national police and the international police, and that the character of their weapons was the distinguishing feature of each class.[1] It was pointed out that the national police or quotas occupied a position midway between the constabularies and the international police, representing the factor of reinforcement to each of the latter. Acting in a dual capacity, they stood behind the constabularies at home and in the dependencies abroad, whilst they also proceeded to aid the international police in executing the sanctions of international law.

In Chapter IX another classification was introduced. The organised forces of mankind, henceforth to be employed exclusively as policing agencies, were divided into three categories. This classification was based upon the nature of the police duties to be entrusted to each category. The first and second were concerned with the maintenance of law and order in the home or metropolitan States and overseas dependencies, respectively, whilst the third was charged with the task of keeping the peace amongst the nations. The national police appear in all three categories: in the first, as reinforcements to the constabularies; in the second, as policing garrisons and reinforcements, and, in the third, as national contributions to the international police force.

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[1] See p. 329.

In the last chapter, three schemes have been described, and the third has been selected as the organisation best suited to meet the requirements of the international authority and the national governments. In this scheme the national police emerge as the quotas which each State-member is prepared to place at the disposal of the authority. The quotas, combined with the international police or specialised contingent, make up the composite international police force.

The outstanding characteristic of the national police is their rôle as the reinforcing agency. They are to be found in every sphere of policing activity. They represent an essential element in the structure of human society: the cement which binds together the national and international police systems. In the event of aggression, they constitute the first line of defence against the invader, confident in the knowledge that the international police force is hastening to their assistance. Discarding the absolutism of self-defence,[1] recognising the futility of a mutually destructive competition,[2] they have donned the uniforms of co-operation and relativity, determined to obtain justice and security for all, no less than to ensure the safety of their respective countries.

Briefly summarised, the functions of the national police are as follows:

In the first place, in times of emergency or domestic strife they assist the constabularies of their own countries to maintain the supremacy of the civil law. This function is recognised in all civilised and self-governing communities.

Secondly, in dependencies and colonies which are not self-governing they reinforce the constabularies, at the same time garrisoning and protecting these territories against internal and external foes, guarding their inhabitants from the activities of sedition-mongers and rioters, no less than from the attentions of marauding tribes on the frontiers.

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[1] See chap. VI, p. 205.

[2] See chap. VII, p. 251.

Thirdly, they represent the first instalment of the defensive forces at the disposal of the State-member, which can be mobilised immediately to repel aggression in the form of a sudden invasion.

Fourthly, they constitute the national contributions of organised force to the international insurance scheme of mutual defence[1] and, as such, they form integral parts of the international police force.

II

Functions of Existing Forces

IT will be observed that in theory the existing forces at the disposal of States-members of the League of Nations are also charged with these four functions. Membership of the League implies that armies, navies and air forces shall not be used for any other purpose, though it has not abolished the right to go to war or the means of doing so.[2]

The outlawry of war prescribed in the Pact of Paris[3] also proposes to restrict the employment of force exclusively to defensive measures which, as we have seen,[4] is an impossibility under the present international system.

It is probable that imperialistic nations will pay little heed to these declarations, because the intention, however sincere it may be at the moment, has not been able to find its practical expression in the organisation of international relationships. There is no tangible proof that nations intend to honour their engagements or keep their promises. They have not done so in the past: why, it is argued, should they do so in the future? This is the real reason which prevents a comprehensive scheme of disarmament. No nation will ever admit that it intends to become an aggressor or that its army will be used for offensive operations.[1] On the contrary, it will loudly proclaim its acceptance of the four functions enumerated above as its standard of conduct. But it will never believe in similar protestations on the part of its neighbours. Have they not repeatedly dishonoured their solemn obligations and trampled on the law of nations? If, however, nations are prepared to transform their armies into quotas, which may be mobilised by the international authority as part of its police force, then the intention assumes the proportions of reality. The gesture develops into a fact which, in turn, is expressed in an organisation. There is no longer any ambiguity about the functions of the national police. These are formulated in a treaty, and cannot be violated or abused without incurring the risk of summary punishment.

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[1] They are the only contributions of organised force which member-States make to the Authority. Monetary contributions are made, which provide for the maintenance and equipment of the international police. See chap. XII, p. 488 *et seq*.

[2] See p. 51, note 2.

[3] See p. 11, note 2.

[4] See chap. VI, p. 236.

It is clear, therefore, that the functions set forth above cannot be divorced from the question of organisation, and that the willingness to co-operate in forming this organisation is the crucial test of the sincerity of every nation professing its desire for peace. How, then, are the quotas to be organised?

III

Control

THE control of the quotas is vested at all times in their respective national governments which are responsible for their recruitment, training, equipment, tactical employment, commissariat and remuneration. In time of peace they are engaged in the police duties devolving upon the forces comprised in Categories I and II,[2] which are domestic in character, and do not concern the international authority. When, in accordance with the terms of the treaty, the services of the quotas are requisitioned by the authority the national parliaments or governments decide the question of their mobilisation and despatch them to the scene of the conflict. Thereafter they become units of the international force, and automatically pass under the command of the international headquarters staff, which directs their military movements and activities during the period of their employment under the authority. The duration of this period is determined by the authority.

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[1] Cf. Fries and West, *Chemical Warfare*, pp. 438-439, cited ante p. 233, note 2.

[2] See chap. IX, p. 348 *et seq.*

It will thus be seen that the national governments reserve the right to withhold their quotas from the service of the international authority. The ultimate decision to participate directly in the enforcement of sanctions in any given case should remain with the national governments.[1]

IV

Reservations

WHAT are the conditions under which this right of reservation may reasonably be exercised?

First, it is conceivable that when the quota requisition is received by the national government it may be faced with a condition of anarchy and disorder within its own territories at home or abroad. Its first duty is to safeguard the lives and property of its own people, and to uphold the sanctity of municipal law. The national police may be fully employed in dealing with this critical situation, and a considerable period might elapse before the national government was able to respond to the request of the authority. On the other hand, the national government might be able to despatch a part of its quota immediately, relying upon its reserves to make good the deficiency. In any case, the decision as to what action should be taken under these circumstances should rest with the national government. An insurrection in India or Morocco, the threat of a general strike or other internal disturbance, might render it impossible to release the quota until the domestic danger had passed.

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[1] This, of course, applies only to direct participation. No State has the right to refrain from indirect participation: its financial contribution to the maintenance of the international police and the cost of operations against a recalcitrant or aggressor State is payable under all circumstances, and is only limited by the right of withdrawal by giving ten years notice to sever relations with the authority. See chap. XII, p. 431.

There is nothing new or startling in this reservation. In the past, it has applied to all international engagements and alliances. For example, Russia, torn by civil dissension and a prey to the fires of revolution, was forced to withdraw from the ranks of the Allies in the midst of a critical campaign. Great Britain had in 1831 and 1839 undertaken to guarantee the integrity of Belgium, which involved the despatch of a "quota" of her "national police" to France. If, however, during the summer of 1914, a rebellion had suddenly broken out in India, or Ireland had been engulfed in a civil war, this expeditionary force might not have been immediately available. The German Government confidently hoped that both these contingencies would eventuate.[1] The British Government alone could judge whether, under the prevailing conditions, they would be justified in denuding India and Ireland of troops.

Secondly, the geographical position of a State-member has a two-fold significance in its relation to the employment of quotas. This species of reservation was recognised by the framers of the Covenant, and is referred to in Annex F to the Locarno Final Protocol.[2] It may be regarded from two points of view. There is the State in a remote corner of the globe, separated by thousands of miles from the seat of the disturbance. There is also the nation which is in unpleasant proximity to the danger zone, but is not directly concerned in the dispute. In the former case, except in great emergencies, the international authority would probably not require the assistance of the State-member concerned. For instance, it is unlikely that South American quotas would be needed to deal with recalcitrant European States, and they might reasonably object to despatching their national police to coerce Turkey or Greece, or even to exert pressure upon Germany or France, unless the necessity for their intervention became imperative. Similarly, European States would hesitate to send troops to South America or the Far East, if the international sanction could be effectively applied by the adoption of a less costly and cumbrous procedure.

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[1] "The Germans . . . believed that they might with certainty count on the neutrality of England, a prey to political conflict and on the brink of civil war with Ireland."—Le Bon, *The World in Revolt*, p. 21.

[2] "Each State-member of the League is bound to co-operate loyally and effectively in support of the Covenant and in resistance to any act of aggression to an extent which . . . takes its geographical position into account."

There is also the case of the nation whose geographical position and inferior forces place it at the mercy of the law-breaking State,[1] and whose national police cannot be reinforced in time by the quotas of other States-members. In this instance active intervention on the side of the international authority could not serve any effective purpose, and in a few weeks the State-member might be overwhelmed by the forces of its defaulting or aggressive neighbour. The position of Canada may be cited as an outstanding example of States which may be included in this category. As an illustration, let it be assumed that a dispute has arisen between Bulgaria and Greece. The international court has given its decision in favour of Bulgaria. The Greek Government, however, refuses to carry out the award. The period of grace having expired, the international authority puts into operation the economic boycott, and Greek ports are blockaded by the international police force. At this stage American ships are prevented from entering the Piræus, and commerce between Greek and American traders is brought to a standstill. The Government of the United States protests against the action of the authority which, however, persists in the enforcement of international law. The United States Navy arrives upon the scene, escorting its mercantile marine, with the object of penetrating the blockade. This action results in the outbreak of hostilities between the United States and the authority. Canada is a State-member of the international commonwealth. If she mobilises her quota against her powerful neighbour, she runs the risk of extinction as a free and independent State within a few weeks. Moreover, Canada's geographical position precludes the possibility of the reinforcement of her quota by the European States-members, at any rate for a considerable period. Consequently, active intervention on her part would not be of the slightest assistance to the international authority in vindicating the sanctity of international law. Under these circumstances it would be inexpedient and unreasonable to expect Canada to adopt any course other than a benevolent neutrality towards the international authority and the continuation of her membership of the commonwealth. It is clear, therefore, that the decision as to the employment of the quota should rest entirely with the national government.

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[1] Cf. the report of the Sixth Committee of the First Assembly on the Economic Weapon, adopted by the Plenary Assembly on December 10th, 1920. " It is also desirable to consider . . . what measures if any should be taken in the case of Members of the League which, from smallness of their resources and their geographical position, might be in serious danger if they carried out to the full their obligations."—*Records of First Assembly : Plenary Meetings*, p. 409.

Thirdly, there is what may be described as the sentimental reservation. It may appear illogical that sentiment should be recognised in a treaty dealing with the establishment of quotas but, as the nations of the world are swayed by feelings rather than by reason,[1] the former must be taken into account. This kind of reservation particularly applies to States-members of the international commonwealth which are also units of another political organism. The British Empire is a case in point: probably it is the only example. This curious political phenomenon, coldly repelling the blandishments of federalism, possesses no written constitution or central executive. Depending for its policy upon the resolutions of quadrennial conferences, paying homage to a common sovereign, the King Emperor, it remains the Cinderella of political science.[1] Its dominions, Canada, Australia, New Zealand and South Africa, are States-members of the League, and Canada was elected a member of the Council in 1927. Its dependency, India, enjoys the same status, though it logically belongs to the category of mandated territories. At Geneva they speak with different voices and vote in different lobbies.[2]

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[1] Cf. Le Bon, *The World in Revolt*, p. 134.

Let it be supposed that one of these entities, a State-member of the international authority, assumes the rôle of the recalcitrant State, and that the authority is compelled to use coercion through the international police force. It would manifestly be unreasonable to expect the other units of the British Empire to despatch their quotas to the scene of action. They would, no doubt, repudiate the policy of the defaulter. They would recognise the reasonableness of compulsion, but they could scarcely be expected to participate in a coercive act. This attitude does not introduce any novel principle into the administration of law. When the civil authorities are called upon to repress riots, police units are drafted into the disturbed locality from other parts of the country, and consequently are unaffected by local feelings or ties of kinship. Should it become necessary to despatch a regiment of soldiers, the choice falls upon a unit which has not been recruited in the district. It is considered that no undue strain should be imposed upon the feelings of men who may be called upon to exert violence in the execution of their duty. The same principle equally applies in the enforcement of international law by the national quotas.

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[1] "Nothing would be gained by attempting to lay down a constitution for the British Empire. Its widely scattered parts have very different characteristics, very different histories and are at very different stages of evolution; while, considered as a whole, it defies classification and bears no real resemblance to any other political organisation which now exists or has ever yet been tried."—Report of Inter-Imperial Relations Committee of the 1926 Imperial Conference: Cmd. 2768 of 1926, p. 14.

[2] See chap. XVIII, p. 621.

It follows that the control of the quotas should reside in the hands of the national governments, which are responsible for the ultimate decision as to how and where they are to be employed.

There may be other reservations in addition to those mentioned above. If it is decided to incorporate any reservations in the treaty constituting the international force, they should be regarded as a general declaration of the conditions under which States-members might abstain from active participation in a coercive act. But the discretionary right to interpret this declaration should rest with the national governments. The final decision should remain in their hands, and cannot therefore become the subject of any action at law between the authority and its States-members. If certain national governments, for some unforeseen reason, declined to despatch their quotas, it would manifestly be impracticable for the authority to coerce them, and it would be difficult to recover damages thereafter on account of their abstention.

The recognition of the special circumstances which call forth these reservations and the granting of discretionary powers to the national governments should not weaken the position of the international authority. In the first place the moral obligation and the specific pledge of each State-member to come to its assistance would remain clear and unmistakable. Only in exceptional circumstances, such as those described in the reservations, could any government afford to withhold the co-operation of its national police in any international crisis. The authority, conforming to the procedure laid down in Article 16 of the Covenant, would recommend to the States-members what quotas should be requisitioned in any given emergency. These recommendations would be based upon (*a*) the magnitude of the coercive or protective operation, (*b*) the geographical position of the defaulting or aggressive State, and (*c*) the general reservations incorporated in the treaty.

Secondly, a number of the national governments, including all the Great Powers, would be represented on the executive of the authority, which sets in motion the international force. Having taken this step, the majority of the executive would be bound to support the authority by despatching their quotas to its aid.

Thirdly, the expenditure incurred by the national governments in the employment of their quotas by the authority would be recoverable from the defaulting or aggressive State. Failing recovery of the total amount from this source, they would be reimbursed from a common fund contributed to by all States-members and placed at the disposal of the authority.[1] It follows that States-members which have participated in the police action will not be financially penalised. In this respect they will be no worse off than those States-members which have not been called upon to act, or which have not responded to the summons of the authority.[2]

It is highly improbable that any State-member would refuse to comply with this request when it had already handed over the bulk of its armaments to the authority, and paid an annual contribution towards the maintenance of the international police. Under these conditions, its interests and security would be bound up in the maintenance of international law and the supremacy of the authority over every criminal and law-breaking State. States-members could not afford to jeopardise their existence by running the risk of allowing the authority to become submerged. Consequently, so long as the authority maintains its control over the specialised contingent or international police, its powers will not be impaired if the national governments retain the absolute control over their quotas.[1] When national honour is identified with national interest the authority can safely rely on the wholehearted support of the overwhelming majority of its States-members in any emergency.

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[1] See sect. XVI, p. 422.

[2] See p. 423.

V

Equipment of Quotas

IT has been pointed out[2] that the national forces of States-members have been subjected to the process of differentiation. The standard year has been agreed upon, and it is proposed that the quota armaments should conform to those possessed by the national military establishments in that year. It follows that quotas will include the following: Infantry, Cavalry, Artillery, Engineers, Army Service Corps and the Medical Services. Their equipment will comprise rifles, machine guns, field guns and howitzers (not exceeding certain calibres and ranges), armoured cars and other paraphernalia included in the pre-war establishments. Many of the weapons comprised in the national armouries of to-day are so immeasurably superior, both in numbers and calibres, to those employed in the years before the war, that it should not be difficult to draw the dividing line. Moreover, the policy of differentiation already applied to Germany[3] can be equally applied to the quotas of all States-members.

The national navies can also be subjected to the same procedure. The policing requirements in home and colonial waters should be the determining factor in fixing the naval quota to be allowed to each State-member.[4]

Thus the armaments and military equipment of the quotas will be stabilised within certain limits defined in the treaty, and in future States-members will solemnly renounce the right of introducing any new weapons into the national armouries. As we have seen,[1] they will have transferred the responsibility of adopting any new destructive agency to the international authority. Any infringement of this obligation on the part of States-members should be visited with the most condign punishment, for upon its honourable observance rests the whole fabric of the international police force.

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[1] See chap. x, p. 377.

[2] See chap. viii, p. 328.

[3] See chap. viii, p. 335.

[4] See chap. xii, p. 433.

VI

Differentiation of Types

IT will be contended, however, that the rigid application of the policy of differentiation places an undue handicap upon the efficiency of the national police in the discharge of their civil functions (Categories I and II).[2] They have been entrusted with the responsibility of keeping the peace in the dependencies abroad (Category II),[3] where they are constantly called upon to repel the incursions of warlike tribes. It is true that these semi-civilised peoples are for the most part armed with primitive weapons, except in those countries where the traffic in arms has been exploited by the armaments firms.[4] The vendors of lethal weapons, finding a ready market for their products, have during recent years increased enormously the difficulties confronting the authorities responsible for the policing of Asia and Africa. If the international authority was armed with an effective sanction, it would be able to put an end to the criminal traffic in the sale of weapons to the native populations, just as the joint policing efforts of the British and American navies exterminated piracy in the Atlantic.[5] Consequently, the arduous duties and risks which are now imposed upon the national police would be immeasurably lightened.

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[1] See chap. VIII, p. 330.

[2] See chap. IX, p. 348 *et seq.*

[3] See chap. IX, p. 352.

[4] See G. H. Perris, *The War Traders*, chap. VII.

[5] *E.B.*, 14th edition, Vol. XVII, p. 952.

Before the war the constabularies and military garrisons, equipped with those weapons with which it is now proposed to arm the quotas, were able to cope successfully with the policing problems in the colonies and dependencies. It follows that their ability to do so in future would not be seriously impaired even though they were deprived of the new weapons—fighting aeroplanes and bombers, tanks and poison gas, the products of the war—which, as we have seen, are now to be handed over to the international authority. Armed on a pre-war basis, they will still be able to make the writ run and effectively protect the frontiers against the marauding bands.

It will, however, be argued that the employment of the new weapons, especially the aeroplane, simplifies the problem of police administration, and that the cost measured in lives and money is greatly reduced.[1] It is also contended that it is possible to reduce the number of troops, whilst the policing of these vast regions is carried out more efficiently and economically. Why, it is argued, should the national governments be deprived of these effective aids in the discharge of a paramount duty? The answer is obvious. The international authority cannot maintain its superiority if the national police and the international police are armed with precisely the same weapons. The principle of differentiation at once goes by the board, and the scientific achievements of the last quarter of a century cannot be transformed into the custodians of peace. The Great War will have been fought in vain, and its lessons dissipated. On the other hand, no reasonable person would desire to render the task of the policing authorities more difficult or costly by imposing unnecessary restrictions upon their armaments. Is it possible to surmount this obstacle without impairing the superiority of the international police force? This is the crucial question, and it may be solved through the application once more of the principle of differentiation, coupled with the limitation of the numerical factor.

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[1] Addressing the Cambridge University Aeronautical Society in April 1925, Air Chief Marshal Sir Hugh Trenchard recalled the experience of control without occupation in Iraq as an instance of the saving of millions of expenditure and many lives.—*The Times*, April 30th, 1925.

One of the characteristics of modern weapons is the rapidity of their evolution.[1] A new type follows its predecessor in swift succession. Within the space of a few years the original design becomes obsolete and is consigned to the scrap-heap, not because it is incapable of carrying out the purpose for which it was primarily intended, but on account of its inability to compete with the most up-to-date models. So immeasurably superior are the latter and so profound the improvements that the older types become fossils in comparison with their grandchildren. The evolution of the battleship is a most striking illustration. A single modern ironclad pitted against the wooden men-of-war of a century ago could annihilate the combined navies of the world. A battleship of the most recent type could fight and sink a fleet of dreadnoughts of the 1906 class, and yet for policing purposes the dreadnought would be just as effective as its modern successor. Consequently, it is possible to differentiate between types of the same weapon just as it is to distinguish between individual weapons. This principle was recognised by the statesmen and their experts who drafted the Washington Treaty.

Other weapons, evolved and improved by the application of science, have made similar strides during the last twenty years. Amongst these is the military aeroplane. Between the 1914 and 1930 types there is all the difference between a dachshund and a greyhound, between a pony and a thoroughbred. There is no comparison between the 1914 and the 1918 models, nor can the latter be pitted against the 1930 designs,[1] so vastly inferior are the former in each instance. Here again it is possible to differentiate, classifying the various types in accordance with their degrees of obsolescence. It does not follow, however, that the older types would be useless for the performance of police duties in India, Morocco, Palestine or Syria. On the contrary, they are admirably adapted for carrying out this function, although in a European war they may all be shot down in one day.

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[1] See chap. VIII, p. 309 *et seq.*

Consequently, restriction of type, by applying the principle of differentiation, offers a solution of this problem without diminishing or risking the absolute superiority of the international police. Moreover, it can be supplemented by imposing a further limitation upon the number of aeroplanes to be allowed to each force of the national police for the purpose of policing its colonies and dependencies. The precise numbers and definitions of types would be incorporated in the treaty, the number at present employed in policing dependencies and mandated territories being taken as the basis of the national requirements. Both numbers and types would be reported upon from time to time to the international headquarters staff, and readjustments could be made as the necessity arose with the concurrence of the international authority, the ultimate decision resting with the authority. So long as the machines of the air section of the international police retained an adequate margin of military efficiency and a super-preponderance in numbers, their superiority would be assured for all time, whilst the task of policing the wide spaces of the world would also be effectively performed.

The same principle may be applied to other weapons, notably to poison gas, provided that the limitations and exceptions are carefully defined in the treaty, in order that possible causes of friction between the national governments and the international authority may be obviated and the position of the authority made secure. There are several well-known species of poison gas. These can be distinguished from each other by the physical effects they produce.[1] Some are lethal, whilst others produce only temporary disablement with no serious after-effects.[2] Amongst the latter is the lachrymatory class, the application of which results in tears, rendering the victims perfectly helpless for the time being. It is suggested that the constabularies or national police, confronted with criminals or disturbers of the peace, should not be prevented from using this type of ammunition.[3] It is clearly much more humane to spray a riotous mob with lachrymatory gas than to puncture them with bullets. The police objective is to restore the mob to a sense of sane citizenship, and this result can be achieved much more effectively through the medium of tears than by the infliction of dangerous wounds. The constabularies of certain countries have already included various forms of gas as part of their equipment.[1] There appears to be no reason why they should not continue to do so, provided that differentiation is scientifically applied to all forms of poison gas. If every lethal and permanently disabling variety is exclusively handed over to the international police force, its superiority will in no wise be diminished, whilst the national policing authorities will be able to carry out their responsibilities in a more humane and efficient manner.

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[1] "If a thousand well-armed aeroplanes of pre-war design were matched against one modern single-seater fighter, it is probable that the fighter would shoot down the thousand aeroplanes if its fuel and ammunition held out long enough. Anyhow, the thousand would be perfectly incapable of offensive action against the one, if the one wished to avoid their attack."—Major O. Stewart, *The Strategy and Tactics of Air Fighting*, p. 187.

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[1] "Poison gases were either asphyxiating, toxic, lachrymatory, vesicant or sternutatory. . . . The so-called asphyxiating gases produced their effect by producing lesions and congestion in the pulmonary system, causing death by suffocation . . . the toxic compounds were so called because of their specific effect upon particular parts of the organism, such as, for example, the nervous system . . . the lachrymator compounds were employed . . . to produce temporary blindness by lachrymation . . . the vesicant class . . . produced skin burning effects, which, although rarely mortal, were sufficient to put a man out of action for a number of months . . . the sternutatory substances produced the familiar sneezing effect which was accompanied by intense pain and irritation of the nose, throat and respiratory channels."—Lefebure, *The Riddle of the Rhine*, pp. 21–24.

[2] Cf. Haldane, *Callinicus*, pp. 11, 21 and 27.

[3] "The future will see every police department in the land outfitted with chloracetophenone or other similar grenades. Every sheriff's office, every jail and every penitentiary will have a supply of them. No jail-breaking, no lynching, no rioting can succeed where these grenades are available."—Fries and West, *Chemical Warfare*, p. 429.

Thus it will be seen that the principle of differentiation can be applied, not only to the character of the weapon, but also to varying types of the same weapon ; a circle within a circle which, when reflected in a practical scheme of policing and disarmament, produce the same results.

VII

Differentiation and Defence

WE have seen that the third function of the national quotas is to act as the first line of defence in repelling a sudden act of aggression. It may be contended that they would not be capable of undertaking this obligation, even for the limited period until the international police arrived upon the scene, if their armaments are restricted to a pre-war footing. How is this obstacle to be surmounted ?

In the first place, there are two possible aggressors, the State-member and the non-member. In the case of the former, the forces of the invader are presumably equipped with precisely the same weapons as the national quota of the defending State, unless it has grossly violated the treaty. It will be shown hereafter that this treacherous proceeding will be difficult to accomplish without detection by the authority.[2] In the case of the non-member the position will be different. This State will be able to mobilise all the new weapons of which the State-member has been deprived. Consequently, until the arrival of the international police the quota of the State-member will be at a grave disadvantage. This disadvantage may be minimised, however, though not entirely obviated, by the strategical disposition of the international police force in such a way as to be capable of rendering assistance at the earliest possible moment. The extreme mobility of the force endows it with an initial advantage as a reinforcing agency.

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[1] See p. 302, note 2.

[2] See sect. XV, p. 419, and chap. XIV, p. 545.

Let it be assumed, for instance, that Russia, a non-member State, attacks Poland. Danzig, a free city under the international authority, has become one of the bases of the international police force where a specialised force has been installed, sufficiently powerful to deal effectively with the corresponding services of the Russian war machine. Under this arrangement so long as Poland remained faithful to her pledges and conformed to the law of nations she would enjoy a far greater security than she does at present, when she is forced to rely exclusively upon her own resources and the conditional support of a distant Power.

To sum up, the quota armaments should be determined by applying the policy of differentiation, whilst in practice this policy can be extended by applying it to types as well as to weapons, a procedure which can be safely adopted without diminishing the superiority of the international police, which is essential to the success of the scheme.

Further, the efficiency of the national police will not be impaired by this arrangement, whilst the strategical distribution of the international police units will provide for the security of States-members, even though they become the victims of attack by non-member-States.

VIII

Quota Strength—General Considerations

THE numerical strength of the national police effectives or personnel should be regulated by the functions they are called upon to perform. Even this formula, however, is only a rough-and-ready guide in endeavouring to arrive at the approximate figures. There exist no precise data on which to form reliable estimates of the minimum number of men required to carry out effectively the police functions described above. The considerations which apparently regulate the size of existing national armies and navies differ in all countries. They are based upon intangible factors, varying from time to time in intensity and degree. There is no scientific standard of measurement wherewith to gauge the motives, impulses and circumstances which, in the aggregate, determine the strengths of the national forces. For instance, a nation is seized with a fit of economy and, impelled by financial stringency, drastically reduces its armed forces. On another occasion reductions may be postponed or prevented on the plea that they will produce unemployment in industry or that the disbandment of a regiment will swell the ranks of the workless.[1] Again, the sense of fear, stimulated into a scare by the machinations of armament firms, may drive parliaments into new expenditure on armaments and effectives. A vigorous personality directing the administration of a War Office or Admiralty [2] may force the pace, not because he has any clear idea of the precise numbers and equipment he requires, but simply in order that he may possess more than his potential adversaries.

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[1] In 1924 the British Labour Government began the construction of five cruisers on the plea that unemployment would thus be alleviated.—*Commons Debates*, 5th Series, Vol. 169, Col. 1971.

[2] The presence of Lord Fisher and Mr. W. S. Churchill at the Admiralty in the years preceding 1914 resulted in the creation of the British Fast Division (*Queen Elizabeth*, *Warspite*, etc.), the most powerful squadron in the world. "For at least ten years," wrote Mr. Churchill of Lord Fisher, "all the most important steps taken to enlarge, improve or modernise the Navy had been due to Fisher. The water-tube boiler, the 'all big gun ship,' the introduction of the submarine ('Fisher's toys,' as Lord Charles Beresford called them) . . . and latterly—to meet the German rivalry—the concentration of the Fleets in home waters, the scrapping of great quantities of ships of little fighting power, the great naval programmes of 1908 and 1909, the advance from the 12-inch to the 13.5-inch gun—all, in the main, were his."—*The World Crisis, 1911–1914*, p. 73.

International competition is the dominating factor which, in the main, determines the increase in numbers and armaments of armies and navies. Geographical and strategic considerations also enter into the calculation, influencing the advice of experts and the decisions of cabinets. Thus it is clear that the strengths of existing national forces are not based upon any immutable standards. They are arbitrary in character, depending upon a variety of circumstances and psychological conditions. Moreover, the police function, considered relatively, is only an insignificant item in the calculation.[1] It cannot be described as the basic factor. But until it is regarded in this light no drastic reduction of the national forces will be possible and the era of disarmament will be indefinitely postponed.

Let it be assumed, however, that the strengths of the national police are to be assessed upon the policing requirements of the national governments and the international authority. Here, at least, is a rational formula for discussion. But it does not necessarily follow that the numbers can be determined on any scientific or statistical basis, and they will also bear the stamp of empiricism. This fact is exemplified in the discussions which preceded the allocation of police forces to the ex-enemy states at the conclusion of the war. Marshals Foch and Wilson found it difficult to estimate these requirements, even when they were limited to the domestic needs of the respective States, and it was inevitable that their final recommendations should be couched in arbitrary terms.[2] How much more difficult it is, then, to gauge the policing requirements of the world and to estimate the number of men whose services should be enlisted in this department of human activity and upon whose loyalty and devotion repose in so great a measure the progress and welfare of mankind. The conclusions deduced in the preceding chapters demonstrate, however, that this task must be undertaken, and that the difficulties, though great, are not insuperable if they are approached from the standpoint of reason and common sense.

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[1] Cf. the Report of Lord Cecil to the Third Assembly on the statements of twenty-four governments, cited p. 352, note 2.

[2] "So the organisation and strength of the . . . German army were gone into thoroughly by the military experts, and the strength of the force was fixed at 140,000, although the French objected to the plan as a whole and wished the establishment to be reduced to 100,000. Wilson explained the position to Lloyd George, with the result that the Prime Minister accepted the arrangement and the 140,000. But the diary mentions that the Prime Minister, House and Clemenceau met immediately

IX

Measurement of Aggregate Forces

WHAT, then, is the measure of the aggregate forces to be employed in the national police or quotas? The first and second functions attributed to these forces are domestic in character. It was proposed in Chapter IX that the requisitions of the national governments, subject to certain provisos,[1] should be agreed to by the international authority. These were based upon the *status quo*, and are therefore ascertainable. The third function, namely self-defence, has been reduced to proportions of relativity, being merged in the total requirements of the international authority, and does not therefore enter into the calculation. The fourth embraces the aggregate needs of the authority; in effect, the sum total of the expeditionary forces to be despatched by the national governments as reinforcements to the international police. It is true that it may be impossible to draw a hard and fast line between the forces employed in the different spheres of the national police. Some nations have attempted to earmark their forces, apportioning to each contingent its precise duties and responsibilities. France, for

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afterwards, and that they then agreed to the figure 100,000."—Callwell, *Sir Henry Wilson*, Vol. II, p. 173.

Cf. p. 193, regarding the determination of the number of effectives permitted to Austria. See too ante, p. 352, note 1.

[1] See chap. IX, pp. 352, 355.

instance, allocated in 1922 150,000 men for the fulfilment of her treaty obligations, 205,000 for the occupation of her colonies and 335,000 for immediate mobilisation against external aggression.[1]

In practice, however, it is probable that these schemes of allocation would break down. It is obviously difficult to split up the national police into sections, each of which is restricted to a particular duty precluding its employment in any other sphere. For example, in Category I is represented the " home " or " metropolitan " army, the reinforcing agency to the civil constabularies and to the garrisons abroad ; in Category II the garrisons in the dependencies ; and in Category III the quota which reinforces the international police. The national police are therefore included in all three categories, but in times of emergency any attempt to confine them in these watertight compartments would collapse. To interfere with the tactical organisations of each country, and to curtail their elasticity, would only introduce unnecessary and harmful complications into the scheme. For the purpose, however, of determining the maximum number of effectives required as national police, and to be scheduled in the treaty, the " watertight " method may be of some assistance.

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[1] Statement of the French Government ; *Records of Third Assembly : Minutes of Third Committee*, p. 103. To the 335,000 maintained for repelling external aggression must be added the 92,000 officers and men of the Rhine Army, making a total of 427,000 men available to meet external aggression.

In 1928 the figures were 66,534 (50,429 in the Rhineland) for the fulfilment of treaty obligations, 210,158 for the occupation of the colonies, and 340,730 for immediate mobilisation.—*Armaments Year Book*, 1928–1929, p. 418.

Great Britain to some extent made a similar allocation of her 1922 forces. 93,000 British and 170,800 native troops were maintained in respect of permanent liabilities in the Colonies, Egypt, Sudan and India, 2,000 British and 8,000 native in respect of semi-permanent liabilities in Palestine and Iraq, and 17,800 British troops in respect of the temporary liabilities under the treaties in the Rhine and in the plebiscite areas and Constantinople.—Statement of Great Britain ; *Records of Third Assembly : Minutes of Third Committee*, p. 105.

The strengths of I and II have already been ascertained and sanctioned by the international authority. Upon what basis is the aggregate of III to be calculated? The authority may be opposed by a State-member or a non-member, but for the moment let us leave the latter out of account. Let it be supposed that all States have joined the international commonwealth. Then the number of effectives included in the total of III must be a purely arbitrary figure, because there is no recognised policing standard which can be applied to the nations of the world. This point may be expressed in another way. It was shown in Chapter IX[1] that, after providing for the aggregates of Categories I and II there remained a residuum of the existing national forces, part of which would probably suffice to meet the quota and international police requirements of the authority, whilst the remainder would represent "sacrifices" to be offered up on the altar of disarmament. If, however, non-member States no longer exist, the proportion of the residuum to be converted into quotas is again an arbitrary figure which may be agreed to by the States-members without impairing their security, for they will all be treated on precisely the same footing. This arbitrary total may be arrived at in a number of ways as, for instance, by halving or quartering the residuum in order to effect a substantial measure of disarmament.

X

Formula and Ratio

LET it be assumed, for the purposes of illustration, that the total number of effectives, the aggregate of Category III, is fixed at a million men. This total has then to be rationed out amongst the States-members, and the ratio of their contributions to the authority should be fixed on some definite principle. Upon what grounds is this principle to be agreed? In endeavouring to discover a basis for the ratio of disarmament, the following formulæ amongst others have been investigated: (*a*) population, (*b*) the *status quo*, and (*c*) the "barème."[1]

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[1] See p. 355.

The basis of population appears to offer certain advantages. In a two-fold sense it has a bearing upon the police function, representing the number of people to be policed and the potential man-power which may be drawn upon for the execution of this task. On the other hand, if population is taken as the decisive factor, China and India with their respective populations of 440 and 315 millions will contribute approximately two-thirds of the quotas upon which the international authority relies as its reinforcing agency. If both these countries are omitted for the present from the calculation —China on the ground that it possesses no stable government, and India because it is in reality a mandated territory—then the basis of population assumes a more promising character.[2]

The basis of the *status quo*, namely the existing strengths of the national armies, is inequitable, because the forces of the Central Powers have been reduced to a figure which bears no relation to those of other countries. Germany's quota, based upon her existing army of 100,000 men, would represent a totally inadequate contribution to the international police force.

The "barème" standard of measurement is the method by which the annual contributions of each State-member towards the cost of maintenance of the League of Nations has been arrived at. These payments have been assessed by a committee of experts on the basis of the relative economic strength or real taxable capacity of the various nations constituting the League.[3] Consequently, the "barème" is founded on the principle of equality of sacrifice.[1] The national quotas also represent contributions towards the protection of the international authority and all its members against a law-breaking State. No longer will these units be regarded solely as defensive weapons forged to protect and promote the interests of each individual State. Consequently, in future they will be looked upon as burdens and encumbrances rather than objects of pride and adulation. Judged from this standpoint, namely, as a premium to be paid to an international insurance fund, the "barème" offers the fairest and most appropriate basis for fixing the quota ratio between the respective members of the international authority. Taking the total number of effectives at a million, the ratio of the quotas allotted to States-members, calculated on the "barème" standard, appears to substantiate this view.[2] Moreover, it is clear that if the ratio is fixed on the "barème" basis, no individual State-member will maintain a quota having an overwhelming preponderance of numbers over all the other members.[3]

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[1] Baker, *Disarmament*, p. 254 *et seq.*

[2] See Appendices H and I.

[3] The contributions to the League budget were originally based on the scale of the Universal Postal Union. In 1921 a Committee was appointed to submit a more equitable scale. Provisional scales were adopted for the years 1923–1925. On May 4th, 1925, the Committee for the allocation

It must also be remembered that in a world adorned with quotas the international police will be the decisive factor in the administration of justice and the repression of crime.

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of expenses made its report, proposing basic figures for 1926–1928. These figures were adopted by the Fourth Committee of 1925.—*Records of Sixth Assembly, Minutes of Fourth Committee*, p. 243. The Committee is still at work and a new scale based on the position of the nations in 1930 will probably come into operation in 1933. In the meantime the figures approved in 1925 are the basis of contributions.

[1] "The principle of the 'barème' would therefore in theory be logical and just, if it were universally agreed that the sole purpose served by armaments is, by joint and individual action, to preserve national and international peace."—Baker, *Disarmament*, p. 255.

[2] See Appendix I (Table I).

[3] See Appendix I (Table I).

XI

THE existence, however, of non-member States complicates the issue. The international authority must be able to summon a sufficient number of quotas whose combined strength will endow it with unassailable superiority over the corresponding forces of any non-member State. The fact that this *rara avis* exists may assist the international authority in estimating its initial quota requirements. At the outset, when States-members are groping about in the dark for a standard of measurement upon which to base their quota scheme, the armies of a powerful non-member may serve as a useful guide.

External Aggression

Here is a State which we will call " X." Of all the non-members it possesses numerically the most powerful army, with huge reserves of man-power behind it. Let us assume that the effectives of its military establishment on a peace footing approximate to half a million. Upon mobilisation this figure will be augmented by calling up the reserves. The quota strengths would also be based on a peace footing, and would be capable of expansion by calling up their reserves. It is clear that the international authority has now a standard upon which to assess its total quota requirements.

What is to be the proportion of this total to the forces of " X " in order to ensure adequate protection to States-members and the preponderance of the international police force ? In other words, what margin of superiority must be expressed in the quota forces ? Is their combined numerical strength to be double, treble or quadruple that of the armies of " X " ? If the number of quota effectives is fixed at a million, they will possess a superiority over " X " of half a million. But this figure does not accurately represent the relative military strengths, inasmuch as the element of mobility comes into the calculation. The quotas are scattered over the face of the globe. Consequently, weeks and even months may elapse before they can all be concentrated at the decisive point of the disturbance. Hence it follows that the total quota forces must possess a wide margin in order to offset this disadvantage. Moreover, it is imperative that the quotas drawn from States-members in the immediate vicinity should be able to exert superiority. It would also be a costly and cumbrous procedure to transport troops from remote countries to the scene of the conflict. Consequently, it may be possible to determine the quota strengths on a continental basis, in order that the factor of mobility may be brought into play on the side of the authority.

Let us suppose that "X" is a European State. Of the million world effectives, calculated on the "barème" basis, 637,806 represents the total quotas of European States-members.[1] If these numbers are not considered to be sufficient, the European aggregate can be augmented and this increase can also be rationed out amongst the European States-members in the ratio already applied in allocating the million world effectives, or by the adoption of some other formula, e.g. population.[2] Similarly it may be possible, if required, to apply the same procedure to other continents.

The first step is to discover the total quota requirements of the authority, and then to decide upon the principles governing the choice of the formula or standard upon which the ratio is to be ascertained. When these have been agreed to, the ratio can be applied automatically to any aggregate figure which may be accepted by the States-members.[3] The protagonists of negative disarmament, however, cannot effectively apply the ratio to any scheme because they are hampered by the absolutism of self-defence. So long as each country relies solely upon its own quota for the protection of its frontiers, it will never agree to accept any formula or ratio which it may regard as a menace to its security. The international handicappers will always be faced with this insuperable obstacle in their attempts to adjust and balance the defensive forces of each individual country. When, however, the principle of mutual assistance is embodied in the form of an international police force, the application of a formula and ratio enters into the realm of practical politics.

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[1] See Appendix I (Table I).

[2] See Appendix I (Table II).

[3] The application of the existing "barème" to the total effectives is shown in Appendix I (Table I).

The national police strengths having been determined by the domestic and international requirements for the effective performance of the police function, no other consideration enters into the calculation, and it is for this reason that a formula and ratio can be agreed to. These can then be impartially applied to the existing forces of all States-members.

There may possibly be one exception to this general application, namely, the case of a State-member whose territory adjoins that of a powerful non-member. For instance, the quota allocated to a country, "Y," whose frontiers adjoin "X," may be insignificant in comparison with the forces of "X." "Y" stands as an outpost of the international commonwealth. In the event of a sudden onslaught it will have to bear the brunt of the attack. "Y," therefore, may reasonably request that its allotment under the ratio shall be increased to meet this contingency until such time as "X" becomes a member of the commonwealth. It would also be reasonable to suggest that the cost of maintaining this additional allocation should be borne by the international authority, inasmuch as this force is intended to assist in warding off a blow directed against the commonwealth itself, and would constitute another specific proof of its solidarity.

XII

Disarmament

TAKING a hypothetical figure as an illustration, the relative strengths of the quotas, after applying the ratio to the population and "barème" formulæ are set forth hereafter.[1] If it is considered that the figures suggested as the total requirements of the international authority have been under- or over-estimated, they may be increased or decreased without prejudicing the scheme. In any case, it will be seen that, when ample provision for the requirements of the domestic and international policing systems has been made, there remains a superfluity of organised force which, under existing conditions, can only be intended for mutually destructive purposes and should, therefore, be dispensed with at the earliest opportunity.

Moreover, the transformation of national armies into quotas would prevent a new era of competition. Organised force would be stabilised or still further reduced, and the policy of disarmament, instead of being a temporary phase in the lives of nations, would become a reality for all time.

This step would constitute the first serious instalment of disarmament, to be followed at a later stage by a still more comprehensive plan when all the nations of the world had been embraced within the circle of the commonwealth.

The figures and estimates are only intended to serve as illustrations of the working of a scheme based upon the principles of mutual assistance, the differentiation of weapons and the subordination of all force to the policing function. They demonstrate that if the problem is approached on these lines great reductions may be effected in the national forces as they exist to-day. It must be remembered, however, that prior to 1914, the barrack population had assumed enormous proportions. It has been computed that the war strength of the armies of the six Great Powers in Europe, reckoned in first and second line troops alone, comprised more than 18,000,000 men, whilst their full mobilised strength in all services reached the colossal figure of 37,000,000.[1] It follows that the true measure of disarmament would be disclosed by a comparison between the quota numbers and the strengths of the national armies on the eve of the war, when Europe could only be described as an armed camp. Since those days large reductions have been effected in the military establishments.[2] If, on the other hand, the competitive systems are allowed to remain, the conditions existing in 1914 will probably be reproduced on a magnified scale, it may be fifty or a hundred years hence. Although at this moment the reaction against war may still be in full swing, and thoughtful men in all countries are striving to discover the path of peace, it must be remembered that at the end of the Napoleonic campaigns our ancestors also desired to put an end to war. Long after the echoes of the Congress of Vienna had died away the cry for peace was loud and insistent. A century later the nations found themselves again confronting each other in "shining armour," with millions of men, trained and equipped, awaiting the signal to fly at each other's throats.

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[1] See Appendix I (Tables I and II).

The statesmen of the nineteenth century did not foresee the results of the competitive system. They talked disarmament, but they failed to give it substance. It remains for their successors to profit by their mistakes. This result will be achieved when they have agreed upon a scheme of quotas, representing the policing requirements of the international authority, as one of the necessary steps to inaugurate the reign of law amongst the nations of the world.

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[1] Cf. Baker, *Disarmament*, p. 3.

[2] For instance, in 1914 the peace footing of the French Army was 823,251 men. In 1928 the corresponding figure was 568,550.

XIII

Liaison

THE respective strengths of the national quotas having been ascertained and incorporated in the treaty, there arises the question of their training, mobilisation, reserve formations and tactical employment. As we have seen, the control of the quotas is vested in the national governments. The national staffs are responsible to their national executives for the discipline, training and efficiency of the forces under their command. On the other hand, the headquarters staff of the international authority is also vitally interested in all these matters, inasmuch as they become responsible for the conduct of police operations after mobilisation has been declared. They will naturally wish to know the character of the troops, the extent of their training and other military factors upon which they will have to rely in the event of an emergency. This knowledge can only be acquired through the closest liaison between the national and international staffs. Tactical schemes for the employment of quotas will have to be drawn up in advance. The embarkation and transport of troops, the commissariat arrangements and other technical matters should be discussed and settled beforehand.

There is nothing new in a procedure of this kind. Many years before the war the French and British Staffs were in the closest collaboration.[1] They drafted a military programme which was to be put into execution the moment hostilities commenced, and thus enabled the

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[1] See Viscount Grey, *Twenty-Five Years*, Vol. I, chap. VI; and Sir C. E. Callwell, *Sir Henry Wilson*, Vol. I, pp. 89–92, 107–108, 123 and 149–151; Churchill, *The World Crisis, 1911–1914*, pp. 53, 331. "Sir Edward Grey approved and confirmed the official military and naval conversations between the British and French Staffs. . . . Haldane at once set very actively to work to reorganise the British Army and prepare for its co-operation with the French. These preparations continued right down to the outbreak of war in 1914. . . . Not only the French, but the Russians also, soon came to count upon Haldane's Expeditionary Force as a certain and essential part of their strategic plans in case of a war against Germany."—Fay, *Origins of the World War*, Vol. I, pp. 208, 213.

British Expeditionary Force to range itself alongside the French armies within a few days of the declaration of war.[1] Another example is to be found in the close liaison which existed between the British and Japanese Naval Staffs during the period of the Anglo-Japanese alliance. Year after year this scheme of mutual defence was considered and adjusted to meet any new contingencies which might have arisen in the meantime.[2]

Past experience clearly shows that there is no insuperable obstacle to the preparation of policing plans, and that the national and international staffs can collaborate together provided they are animated by the same purpose.

It is also clear that under certain conditions the efficiency of the international police may be impaired unless the quota staffs are prepared to co-operate loyally in the execution of coercive and defensive measures. The new weapons cannot be employed to the best advantage by the international police unless their movements and activities are co-ordinated with those of the quotas. Unity of command will be essential as soon as mobilisation has taken place,[3] but its foundation should be laid in advance through the mutual co-operation of the staffs.[4] Thus it may be possible to minimise, if not entirely to obviate, the inevitable disadvantages which handicap the commanders of all forces which are composed of divers nationalities and races.[5] It is said that Clemenceau's admiration for Napoleon waned as the war progressed and he realised the difficulties which beset the path of the Allies and their military commanders.

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[1] "When the moment came to send the Expeditionary Force abroad, it was there, ready and equipped; and the transport arrangements were ready too, for the four divisions sent abroad went to France, not only in the time estimated as required for this operation, but in less than the time."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 63.

[2] Cf. Ballard, *Influence of the Sea on the Political History of Japan*, p. 184.

[3] See chap. XII, p. 454 *et seq.*

[4] Cf. Churchill, *The World Crisis, 1915*, p. 22.

[5] See p. 455, note 1.

In the War of the Spanish Succession, the armies of Marlborough were composed of six nationalities.[1] His title to fame cannot be measured solely by the results of his campaigns: it rests upon the victories he achieved with the means at his disposal in spite of overwhelming odds. Although he was thwarted and obstructed at every turn, he held his "national quotas" together and brought Louis XIV to the edge of ruin.[2]

It may be taken for granted, however, that a heterogeneous force labours under a disadvantage in comparison with a homogeneous army. This crack in the armour, however, so clearly demonstrated during the hurriedly improvised march of the international forces to Peking to quell the Boxer Rising in 1900,[3] may be remedied if a close liaison is established between the international staff and the staffs of each individual State-member before the emergency arises. Moreover, the high resolve animating the defenders of justice and the repressors of crime should confer upon the international police force an invincible morale.

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[1] "The struggle which followed (Blenheim) stands almost unrivalled: for the whole of the Teutonic race was represented in the strange medley of Englishmen, Dutchmen, Hanoverians, Danes, Würtemburgers and Austrians who followed Marlborough and Eugene."—J. R. Green, *Short History of the English People*, chap. IX, Section IX. The victorious armies of Kublai Khan included almost every nationality in Asia.—Ballard, *Influence of the Sea on the Political History of Japan*, p. 21.

[2] "Unless it is realised and borne in mind that the great captain was struggling against factiousness and intrigue in England and from jealousies, faint-heartedness and disagreements amongst the States who lent their contingents to his miscellaneous army, the measure of his achievements in ten years seems small. But in fact it was marvellous. Under eighteenth-century conditions of warfare, and with an army so composed that probably no other man in Europe could have held it together at all, obstructed and thwarted at every turn, he yet brought Louis XIV and France to the very edge of ruin."—*E.B.*, 13th edition, Vol. XXV, p. 600.

[3] The Boxer Rising of 1900 created a very serious situation for the European settlements in China, but "even in this emergency international jealousy had grievously delayed the necessary concentration of forces. . . . No definite objection was raised, but the replies of Germany and Russia barely disguised their ill-humour."—*Historian's History of the World*, Vol. XXIV, pp. 568–569.

XIV

THE training and enlistment of the quotas are duties which devolve upon the national governments and their staffs. On the other hand, it is reasonable that the international authority should stipulate that each quota should conform to a minimum standard of training and efficiency. The organisation of confederate armies in the past provides examples of the solution of this problem,[1] which is a matter for agreement between the respective staffs.

Recruitment

There is also the question of recruitment, involving the eternal conflict of opinion between the advocates of the conscript and voluntary systems. The training of conscript armies is limited to a comparatively short period.[2] At its conclusion, the effectives are drafted into the reserves. Consequently, the latter are augmented each year, and soon assume large proportions. On the other hand, the effectives of voluntary armies are enlisted for long periods of service and therefore attain a relatively higher degree of military efficiency. Their reserves, however, are correspondingly fewer in numbers. Thus it will be seen that the conscript system produces larger reserves but a somewhat lower measure of efficiency. Within certain limits, the products of these two systems, numbers and efficiency, tend to balance each other. Conscript reserves, however, multiply so rapidly that it will be necessary to impose some limitation upon their total numbers. It has been stated that at the outset of the war the French and German Staffs were able to place in the field armies two-and-three-quarter times the number of troops they had maintained in time of peace, while the British Staff, with its voluntary system, mobilised only one-and-three-quarter times its standing force.[1]

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[1] The United States Constitution (Article I, 8) gives Congress power to provide for the organisation, arming and discipline of the State militias. By Act of Congress the method of training in the different States is similar.

[2] See chap. VI, p. 245.

Conscript quotas will therefore possess larger reserves of partially trained men than those dependent upon the voluntary system. In any quota scheme it may be possible to balance these two factors, namely numbers and efficiency, thus leaving each country free to choose whichever recruiting system it preferred, provided that its total reserves did not exceed a maximum figure to be incorporated in the treaty.

If the quotas are regarded as levies contributed to the international police force, it is unlikely that any State-member would be anxious to burden itself by maintaining the military equipment necessary to arm millions of reservists. No national interest could possibly be served by such a proceeding, which would only add to the burdens of the national exchequer. Moreover, the existence of the international police would effectively frustrate any policy of aggression which relied solely upon an increase of quota reserves.

In the sphere of negative disarmament, however, the question of reserves, inseparable from any conscript system, constitutes a serious obstacle to any scheme of reduction. So long as States-members are bound to rely exclusively upon their own forces for the defence of their countries it will be difficult, if not impossible, to reach agreement upon the relative values to be attached to conscript and voluntary reserves, or to curtail the indefinite expansion of reserve formations. A formula may be discovered, but there would be no guarantee that it would be respected. On the other hand, the reserve organisations of quotas may be arranged within certain limits in accordance with the prevailing and traditional methods of each State-member without prejudicing the success of the scheme or the security of those States which combine together in this enterprise.

It may be argued that the reserve formations should be dispensed with entirely. This proposal is, however, impracticable and inexpedient. A State-member may in normal times regard its quota as the reinforcing agency of its constabulary. Should the services of the quota be requisitioned by the international authority, the reserves would immediately be called upon to take their place in the national police establishment. Such an arrangement is clearly more elastic and economical than the policy already described of attempting to earmark Categories I, II and III of the national police for the performance of certain specific duties,[1] and thus to separate these categories into watertight compartments. It is preferable that each Government should be able to utilise its national police to the best advantage so long as the requirements of the international authority are provided for. It is probable that this result can be achieved more economically through the creation of reserve formations.

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[1] Baker, *Disarmament*, p. 77.

XV

Inspection and Supervision

IN the various disarmament schemes which have been discussed from time to time stress has been laid upon the necessity for inspection and supervision by the international authority in order to prevent any infringement of the disarmament treaty.[2] It is considered that nations cannot be trusted to keep their forces within the prescribed limits, and that a State which intended to commit a breach of the peace would surreptitiously increase its armaments in order to gain an initial advantage at the outset of hostilities. Consequently, various methods of inspection by the authority have been suggested, all of which would tend to create friction between the national governments and the authority. Those nations which conscientiously carried out their treaty obligations would naturally resent the implication that they were not doing so, whilst those which deliberately tried to frustrate the efforts of the inspecting authorities would probably find ways and means of carrying out their intentions.

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[1] See p. 404.

[2] " It has always been assumed in League discussions on disarmament that no scheme could inspire the general confidence that is required unless it provided specific guarantees that its undertakings would be faithfully observed. It has been also agreed that such guarantees must take the form of a mutual right of investigation and control."—Baker, *Disarmament*, p. 316.

This species of safeguard, designed to secure the observance of a treaty, usually defeats its own purpose. The more elaborate the machinery of inspection, the less likely it is to function: the more drastic the clauses of supervision, the less likely they are to become operative. For example, the disarmament clauses contained in Part V of the Treaty of Versailles represent a complete policy of restriction. Not only was Germany to be disarmed root and branch, but it was intended that she should remain in this condition indefinitely.[1] The Allied Staffs, which drafted these regulations, left no loopholes for evasion. Assuming that they could be enforced, they could hardly have been improved upon. But the more perfect they are in form, the more useless they are apt to become in practice. The League of Nations has been entrusted with the impossible task of supervising the observance of these regulations [2] with no means at its disposal of making them effective. It is clear that sooner or later they will be abandoned or become a dead letter.[3]

It is, however, difficult to imagine how, in the present state of international morality, any drastic scheme of disarmament will ever be agreed to which does not include a considerable element of supervision and inspection, even though these safeguards are admitted to be ineffective and unsatisfactory. The armament handicappers will always be driven to propose this form of interference, which can only breed suspicion and produce friction between the international authority and the national governments.

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[1] See chap. VIII, p. 335.

[2] Treaty of Versailles, Article 213: cf. Treaty of Saint Germain, Article 159; Treaty of Trianon, Article 143; Treaty of Neuilly, Article 104.

A scheme of supervision and control (*Official Journal*, April 1925, pp. 610–611) was approved by the Council on March 14th, 1925 (*Id.*, p. 489).

[3] "The experience of the Allied Commissions of Control in Germany has shown that not even the rigid and comprehensive system of Versailles is sufficient to prevent breaches of a disarmament treaty in this respect, if the Government authorities of the disarmed country are not animated by a spirit of goodwill."—Baker, *Disarmament*, p. 161.

It follows that any measures of a supervisory nature should be reduced to the minimum. Instead of being inquisitorial, they should assume the character of a close liaison between the respective staffs which are engaged in the common task of policing the world. Nations which have surrendered their " major force " to the authority, and have handed over their new and scientific weapons to the international police, have already given proofs of their loyalty. Greater reliance can therefore be placed upon their honour in the fulfilment of their treaty obligations. Should they contemplate assuming the rôle of the aggressor, they would be confronted with the enormous task of re-equipping their armies and navies with modern weapons and of training the necessary personnel. Moreover, it would be difficult if not impossible to achieve these results under the veil of secrecy, so that a detailed, rigid system of inspection in these circumstances would appear to be entirely unnecessary.[1]

Regarded from this standpoint, an elaborate procedure of supervision to be applied to the quota forces is superfluous. The national governments may appoint liaison officers to the staff at international headquarters, whilst the latter would send military attachés to be accredited to the national governments. The latter suggestion was made by Lord Esher in the disarmament proposals which he submitted to the Temporary Mixed Commission.[2] It may be supplemented by periodical visits of members of the international staffs to those countries which have become associated with the international authority, following the precedent which has already been set by members of the Secretariat of the League of Nations.

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[1] See chap. XIV, p. 546.

[2] " (8) That the Permanent Advisory Commission be authorised to nominate naval, military and air attachés, who shall be given by the Governments to which they are accredited such facilities and information

These changes introduce no novel procedure. They are recognised in the sphere of diplomatic relationships. They merely presuppose an element of co-operation. They do not outrage the susceptibilities of sovereignty, and they are calculated to produce a spirit of *esprit de corps* within the ranks of the international police force.

XVI

Finance

LASTLY, there is the question of quota finance. The national police, controlled by their respective Governments, will be maintained by the national exchequers. When, however, the quotas are requisitioned by the international authority, the expenditure incurred during the period of their mobilisation should be reimbursed to the national governments by the authority. It would be manifestly unfair that those nations whose quotas had been requisitioned owing to their proximity to the seat of the disturbance should be penalised by having to bear the entire cost of the quotas engaged in these policing operations. In the performance of this duty, they would be acting on behalf of all the States-members, some of which may not actively participate in the proceedings. All are members of one body, and as such they are all equally interested in the repression of international crime.

It follows that the cost of operations should be borne by the international authority, which would endeavour to recover them from the aggressor or law-breaking State. The Protocol of 1924 included a provision bearing on

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regarding armaments as may be from time to time required by the Commission."—*Records of Third Assembly : Minutes of Third Committee*, p. 68.

this point, which is as follows :—" The signatory States agree that the whole cost of any military, naval or air operations undertaken for the repression of an aggression under the terms of the Protocol, and reparation for all losses suffered by individuals, whether civilians or combatants, and for all material damage caused by the operations of both sides shall be borne by the aggressor State up to the extreme limit of its capacity."[1]

If the authority became responsible to the national governments for the reimbursement of their costs, they would no longer individually be able to claim indemnities from the recalcitrant State in the form of territory, raw materials or money. Thus the element of conquest and annexation would not enter into the calculation. The amount of the indemnity to be paid by the recalcitrant State would be fixed by the authority. If it was insufficient to cover the cost of the quota operations, the balance would be contributed by all States-members in the proportion of their annual payments towards the maintenance of the authority, namely, on the " barème " basis.

To illustrate this point, let it be assumed that in the Great War the Allies played the part of an international police force. Three years had elapsed before the American quota appeared. The cost of the war to the United States was less than the expenditures of at least two other nations,[2] whilst during the earlier period the latter incurred vast debts in America, which they were afterwards called upon partially to liquidate. Had there been no annexation of territories, the only fair and equitable arrangement would have been to pool the total cost of the war and, after deducting the amount of the German indemnity, to divide the balance between all the participating nations. The apportionment of this balance might have depended upon a formula comparable to the "barème" which, as we have seen, is based on the principle of equality of sacrifice. Thus each nation would have contributed its fair share towards the cost of an operation in which they were all vitally interested, irrespective of the periods in which they were actively engaged in military operations. Not until an arrangement has been agreed to by the nations, founded on these principles, will it be possible to eliminate the lust of conquest, to deter the would-be aggressor and to enforce the decisions of international law.

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[1] Protocol for the Pacific Settlement of International Disputes, Article 15.

[2] The direct costs (net) have been estimated at: British Empire $39,827,813,072; France $24,312,782,800; U.S.A. $22,625,252,843.—E. L. Bogart, *Direct and Indirect Costs of the War*, p. 267.

XVII

Conclusion

IT will be seen that the provision of quotas constitutes an essential part of the international police force. Their duties are both domestic and international. In comparison with the international police, their value as policing units may appear to be relatively small. In the last resort, however, they represent the keystone of the structure, and their existence is vital to the success of the scheme. They express in concrete form the determination of the peoples to enforce law and suppress crime. They embody the idea of the moral responsibility of every State, both large and small, to participate in the international policing system, just as the obligation of every citizen to uphold the law and to assist the constabularies is inherent in the common law of the realm.[1] This obligation on the part of the individual will no longer be confined to his particular State. Through the medium of the quotas, it assumes a world significance which, in time of stress and emergency, when the very existence of the international authority may be at stake, will afford to every man the opportunity of vindicating the cause of justice and of ranging himself unmistakably on the side of morality and reason.

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[1] See chap. III, p. 167, and chap. VI, p. 247.

CHAPTER XII

THE INTERNATIONAL POLICE

"No special alliance could stand for a moment before the General Alliance, which is stronger and subsists permanently."—ROUSSEAU.

I

Nature of the International Police

THE international police constitute the third element of organised force in the policing system of the world. Whilst the constabularies are engaged in the every-day task of curbing the animosities of individuals, restraining the propensities of evil-doers, compelling the appearance of criminals at the bar of justice and executing the decrees of municipal law; whilst the national police remain watchful and alert, ready to aid the civil authority in repressing disorder, protecting distant frontiers from the inroads of barbarism and prepared to answer in time of need the summons of the international authority; the international police stand guard over the treasure-house of civilisation, sternly suppressing breaches of the peace, deterring the would-be aggressor from the crime of war, shielding the weak, holding in awe the strong, providing security for all and enforcing the reign of law amongst the nations of the world.

This organisation expresses the determination of the peoples to secure justice in the realm of international affairs. It becomes the medium through which Force is consecrated to the service of Right. It represents the highest and noblest achievement of science in preparing the path of peace and making straight the highway of human progress along which mankind may march with confidence to its appointed goal. It is the result of the application of the principle of differentiation to the weapons which science has placed in the hands of man. At the behest of reason, prompted by morality and urged by fear, the products of the " self-seeking propensities " applied to the " mechanism of nature "[1] have at last been harnessed to the chariot of Righteousness. Henceforth the new arts of destruction, instead of being a menace to the continued existence of civilisation, will be transformed into its guardians and protectors.[2]

Never before in the history of the universe has it been possible to create an international police, relatively small in numbers, whose morale and weapons would confer upon it unassailable superiority over any national forces to which it might be opposed. Ten years have elapsed since the Armistice was signed and, as we have seen,[3] the positive application of the principle of differentiation has been a practical proposition at any moment since that time. Before the era of the war it would have been a physical impossibility, because the weapons with which it is now proposed to equip the international police were not in existence. This outstanding fact, pregnant with so many far-reaching possibilities, is the result of the war of machinery. Organised force can now be concentrated : it can be reduced to tabloid proportions. Its expression is no longer confined to man-power, and its potentiality is measured in armaments rather than in masses of men,[4] whilst its range of attack has been immeasurably increased. No longer do armies and navies serve as screens to shelter the civilian populations. The conquest of the air has exposed the vulnerability of the latter. Even though their armies may be entrenched on foreign soil and their navies undisputed masters of the ocean, their lives and homes will be in danger every hour of the day and night until hostilities have ceased. As the potentialities of the aeroplane increase, the security of civilians will diminish.

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[1] See p. 305, note 2.

[2] " War will be eliminated by weapons, not by words or treaties or leagues of nations : by weapons—leagues of tanks, aeroplanes and submarines—which will render opposition hopeless or retribution so terrible that nations will think not once or twice but many times before going to war."—Col. J. F. C. Fuller, *Tanks in the Great War*, pp. 318–319.

[3] See chap. VIII, p. 328.

[4] " Weapons, if only the right ones can be discovered, form 99 per cent. of victory. Strategy, command, leadership, courage, discipline, supply, organisation and all the moral and physical paraphernalia of war are as nothing to a high superiority of weapons : at most they go to form the 1 per cent. which makes the whole possible. Indeed as Carlyle writes, ' Savage animalism is nothing, inventive spiritualism is all.' "—Fuller, *Tanks in the Great War*, p. 308.

II

Scientific Organisation of Force

THUS the character of warfare has been revolutionised. This result has been achieved, not by the exploits of soldiers or sailors, but chiefly by engineers and chemists. Scientists have forged the modern weapons which adorn the national armouries. Statesmen and politicians, at whose orders these weapons are used, have failed to march abreast of the scientific researchers. The art of consumption has lagged woefully behind the art of production, until the bodies-politic have been well-nigh ruined by the stimulants and irritants they have so greedily absorbed into their constitutions. They must rid their systems of these fatal remedies, which should be handed over to the safe keeping and control of the international apothecary, under whose scientific supervision they may still be used as invaluable aids in maintaining the sanity and health of mankind.

Science, however, does not confine her attentions exclusively to the laboratory and the workshop. She occasionally visits the precincts of parliaments. She may even stray into the chambers of cabinets and the halls of conferences. Government departments, permanent officials and ministers of the Crown are sometimes influenced by scientific conclusions. Although in the realm of materialism Science has advanced with incredible speed, her progress in the sphere of social relationships, both national and international, has been relatively slow. In all human institutions scientific organisation fails to keep step with the ever-changing needs of mankind, so often dictated by inventions and discoveries.[1] Nowhere is this truth more apparent than in the mediæval conceptions which still dominate even the civilised nations in their employment of force. Science has given them the weapons with which to annihilate each other, but she has hitherto refrained from presenting them with an organisation by means of which they may use these weapons for their mutual advantage and protection.

The political scientist and the moral philosopher have been hopelessly outdistanced by their engineering and chemical colleagues.[2] Clearly, this is a most unfortunate circumstance fraught with the gravest danger. Here are four most powerful and devastating weapons—aeroplanes, tanks, poison gas and submarines—suddenly hurled into a world totally unprepared to receive them. It is obvious that when they are fully developed no existing organisation can possibly maintain them without exposing itself and its neighbours to utter and irretrievable ruin. In these circumstances there is only one course which offers a reasonable chance of escape from the impasse, namely, to establish an international organisation on a scientific basis, which shall control and manipulate these new weapons and any others which may hereafter appear upon the scene.

In all other departments of human affairs the imperative demands of organisation to meet the urgent needs of civilisation are recognised, and attempts are made to divert the energies of men and nations into the proper channels. Why, it may be asked, is nothing done to organise force on a scientific basis in order to prepare for the requirements of the international authority and to prevent the recurrence of war?

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[1] The Industrial Revolution in England had taken place in the eighteenth and the earlier half of the nineteenth centuries, but it was only in 1847, after Lord Shaftesbury had fought for it for fourteen years, that the Ten Hours Act was passed.

[2] See p. 279, note 1.

How, then, can the international police be organised in such a way as to occupy its proper place in the policing system of the world?

III

Organisation is the Product of Experience

THE footsteps of mankind appear to be directed by experience rather than by logic or reason. In the stern school of adversity experience is the taskmaster. Before 1914 war was considered to be inevitable,[1] and the prospect of hostilities was regarded with equanimity if not with satisfaction. In a world which boasted of its scientific achievements no serious attempt was made to prevent the clash of nations. The outbreak of the war merely emphasised the futility of the Hague Conventions and the anti-war organisations, which had been designed to thwart the intentions of all those nations which had arrayed themselves in "shining armour."

The experience of the Great War, however, brought the rulers and peoples to their senses. War as an instrument of policy has become discredited, at any rate for the time being, because it has engulfed both victors and vanquished in disaster and bankruptcy. This was a bitter and humiliating experience, which impelled the majority of nations to search for an alternative method of settling their disputes. For the moment they waived all claims to hegemony. As a result of this chastening of the spirit, the League of Nations was launched upon its career, representing an enormous stride in the organisation of international society[2] and directly attributable to the war. Why should the human race be compelled to endure tragic, devastating and immoral experiences before it adapts its organisation to the needs of its members? The administration of international law is being organised through the creation of the Permanent Court and the establishment of arbitration tribunals. International law is to be codified. The proceedings of the Assembly and Council of the League are organised through the medium of the permanent Secretariat. International labour, health and intellectual co-operation are being dealt with on similar lines. Force, which has been compelled to express the passions and lusts of man, the *fons et origo* of all the hideous calamities of the past, alone remains outside this sacred circle.[1]

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[1] See chap. VI, p. 236.

[2] "For these years the League in the political field and the Court in the judicial field have been rendering the best service in the cause of peace known to the history of civilisation, incomparably the best."—Senator Root. Cf. A. Sweetser, *The First Ten Years of the League*, p. 64.

There is something strikingly sinister about this omission. Is it because the problem of preventing war is in the last resort insoluble, because international justice is a figment, or is the omission due to a dread of the unknown, to the unalterable instinct of hegemony, or to sheer apathy and the failure to grasp the true significance of the vital element of force in the structure of human society? Whatever the cause may be, the hard fact remains that until the international police are ushered on to the stage, mankind will again be compelled to pass through the valley of bitter experience before it finally resolves to organise its forces.

It is true that when the Armageddon of A.D. 2000 has run its course the capacity to organise any remaining fragments of force may have vanished. The process of mutual destruction will have reached its climax. If, however, civilisation survives this ordeal, then inevitably the culminating experience will have been endured, and at last force will be handed over to the custody of the international authority. If, therefore, the nations cannot eventually escape from this scientific organisation, to be dictated by a new and more drastic experience, surely it is reasonable to suppose that they will take steps during the calm after the storm to reconstruct the bastions of civilisation before another whirlwind brings the whole structure toppling down about their ears. If experience is the sole guide in these matters, why should it be restricted to epochs of war? Periods of comparative tranquillity offer a more promising opportunity of gaining experience through the process of experiment.

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[1] In the financial sphere there are indications of increasing international co-operation. The Young Plan of June 1929 comprised a Bank for International Settlements, under the control of the existing central banks of the countries interested in reparations. It provides the necessary machinery for administering reparation payments and makes possible in due course a more effective control of international finance generally. "The field of action of the Bank," said Dr. Breitscheid in the Tenth Assembly, "would stretch far beyond the problem of reparations."—*Minutes of Second Committee*, pp. 65–66. It is expected to become a clearing house for the existing central banks and to amplify the facilities of the present system.—*Current History*, August 1929, pp. 858–859.

IV

Experimental Period

CONSEQUENTLY, an international force may first of all be organised on an experimental basis and a scheme be given a trial for a definite number of years. The nations might agree to a naval, military and air holiday during which period the experiment is put to the test. If, at its conclusion, the plan is found to be unworkable it will then be possible to revert to the *status quo*, each nation being relatively in the same position as at the beginning of the period.

This proposal involves the loan to the international authority of certain weapons for a definite time which would be laid down in the treaty. What is to be the duration of this period? Clearly, it should be sufficiently long to ensure a fair and reasonable trial. A minimum of twenty-five years, infinitesimal in the life of a nation, is the shortest which should be contemplated. On the other hand, if the period is unduly prolonged, it will be difficult to maintain the relative positions of those nations which join in the scheme in the event of its abandonment at the end of the period.

Let it then be assumed that the States-members have agreed to join in the experiment for a minimum term of twenty-five years, reserving the right to withdraw their forces or, in other words, to call up their loans, by giving notice three years prior to the expiration of this period. This, then, is the experimental or transitional stage during which the international police will be in existence and at the end of which they may be disbanded and the weapons restored to their original owners if the experience thus gained does not conform to the needs of the society of nations. On the other hand, if the scheme proves itself to be practicable, reducing the national burdens of armaments, eliminating military competition, engendering a sense of security, stimulating international co-operation in other spheres and banishing the haunting fear of a world-wide conflagration, the new organisation will continue its existence. In all probability it will then become a more perfect instrument, because it will no longer be generally concerned to maintain the relative positions of its States-members. Gradually a sense of unity and confidence will be developed, which will be reflected, not only in the *esprit de corps* of the force, but also in the willingness of the national governments to adjust its organisation to meet more fully the requirements of the commonwealth.

The experimental stage may be described as Period A, to be followed by the permanent organisation which may come into existence in Period B.

V

Control

THE control of the international police or specialised force will be vested in the international authority.[1] We have seen that the control of the quotas remains in the hands of the national governments. The latter, however, when they have agreed to lend the new and specialised weapons during Period A, or to hand them over permanently in Period B, divest themselves of direct control over these weapons and the personnel which operates them. Henceforward these forces become amenable to the orders, discipline, administration and supervision of the federation of States-members, which will be responsible for their movements, activities and maintenance. At the conclusion of Period A the control of each of these original units reverts to the national governments. Each State may then elect to withdraw from or remain in the scheme. Subsequently, during Period B the control remains permanently in the hands of the international authority.

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[1] See chap. XIII, p. 502.

VI

Composition and Equipment

THE international police should be composed of the staffs and personnel necessary to operate the specialised weapons to be handed over to the international authority, together with any auxiliary services such as the medical, engineering and supply departments.

As we have seen,[1] the armaments of these forces have been determined by applying the principle of differentiation and consist of the following:

(A) *Naval Section.*

(1) All naval craft of modern construction which are not required by the national governments for the policing of home and colonial waters.

(2) All types and classes of submarines.

It is assumed that those States-members whose territories border on the sea will require the services of naval police units to compel obedience to the regulations governing coastal traffic, the administration of customs and the prevention of smuggling and, generally, to enforce the observance of municipal law. These units, as we have seen,[2] form part of the system of national police. The duties entrusted to them may be effectively exercised by naval craft which for fighting purposes have become more or less obsolete. Moreover, the average life of a "policeman" may be assessed at a much longer period than that of a "man-of-war." Under existing conditions an ironclad is due for the scrap-heap at the end of twenty years.[1] She must then be displaced by a newer type or design. There is no reason, however, why the craft allotted to the national police should not live to a ripe old age, because their tasks have been reduced to routine duty and they have no longer any competitors to face.

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[1] Chap. x, p. 376 *et seq.*

[2] Chap. xi, p. 394.

It follows that the policing requirements of the national governments may be met by allocating to them the older types of war vessels in their existing navies. This policy has already been applied to the German fleet and therefore constitutes an admirable precedent upon which to base the new allocation.[2] It may be possible to agree upon a standard year which roughly marks the line of division between the types which are to be retained by the national governments and those to be lent in Period A, or handed over in Period B, to the international authority. The latter will consist of all the most modern battleships, cruisers, destroyers and other species of naval craft which henceforward will be charged with the policing of the high seas and with the duty of keeping open the highways of commerce to all the law-abiding nations of the world.

The potentialities of the submarine, although it was actually invented many years ago, and was adopted by the French Navy in 1888,[3] were not realised until the advent of the Great War. After 1914 its size, range and power increased enormously, so that for all practical purposes it may be described as a product of the war. It is the only type of war vessel which cannot be countered effectively by its own species. Submarines are not primarily constructed to fight enemy submarines.[1] They prey upon merchant shipping, which they destroy without possessing the means of rescuing the crews of their victims. Submarines are regarded from two standpoints, namely, the offensive and the defensive. Germany used them to blockade the shores of her enemies, whilst France maintains that they constitute an effective means of defence against powerful fleets of battleships, cruisers, etc.[2]

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[1] Cf. Washington Treaty of 1922 for the Limitation of Naval Armament, Chap. II, Part 3, Section I (*a*). "Capital ships and aircraft carriers twenty years after the date of their completion may . . . be replaced by new construction." Destroyers and similar craft have an existence even shorter. The Treaty of Versailles permitted replacement by Germany of her armoured and light cruisers in twenty years and of her destroyers in fifteen years.—Article 190.

[2] See chap. VIII, p. 336.

[3] See p. 291, note 1.

Whatever view may be taken of the precise function of the submarine, it is clear that it does not constitute an essential factor in the policing of home waters, and can consequently be dispensed with by the national governments without impairing the efficiency of the national police in the discharge of their domestic duties. Moreover, if it remains in the custody of the national governments, the superiority of the international police navy might be seriously compromised.

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[1] " The submarine is the only vessel of war which does not fight its like . . . the submarine fleet on one side ought not to be measured against the submarine fleet on the other."—Churchill, *The World Crisis, 1915*, p. 281.

[2] " The French, Italian and Japanese representatives . . . insisted that it was a legitimate and an effective weapon of defence. . . . Admiral de Bon of the French delegation made an elaborate vindication. He asserted that submarines had proved effective against the battleship during the war and that they had proved useful as scouts. He believed that they could legitimately be used against merchant shipping, provided they followed well-defined rules against inhuman practices. He also thought it unwise to limit submarine tonnage unreasonably ' since we have before us an entirely new weapon, concerning which no one of us can foresee the possible transformation and growth, perhaps in the near future.' "—Buell, *The Washington Conference*, p. 216. Cf. Baker, *Disarmament*, p. 204. In fact the submarine has proved effective only against merchant vessels. No single vessel of the British Grand Fleet was sunk by a submarine.—Buell, *op. cit.*, p. 215 ; *E.B.*, 14th edition, Vol. III, p. 221.

It has been proposed on several occasions that submarines should be entirely abolished.[1] It is unlikely, however, that those nations which rely upon small navies would ever agree to this course. Even if they did, there would be no guarantee that as soon as hostilities were in progress the admiralties would not immediately revert to the construction and employment of these weapons. When, however, the monopoly of this craft and its trained personnel is conferred upon the international authority, the latter becomes possessed at the outset of a tremendous advantage over any recalcitrant State which seeks to violate its treaty pledges.

Consequently, if the employment of submarines cannot be abolished, it can be restricted to the needs of the authority, and may thus be preserved as a powerful instrument for the enforcement of international law.

(B) *Military Section.*—This section will include:

(1) All classes and types of tanks.

(2) Artillery of all patterns and types which have been introduced after the standard year.

(3) The subsidiary military services such as the medical, engineering and commissariat departments which may be attached to the international police.

The tank is pre-eminently a product of the Great War. Tracing its lineal descent from the tractor, it represents one of the great feats of engineering as applied to the art of destruction. Under certain conditions its employment may be restricted,[2] but its mobility, even though it may be circumscribed, combined with its protective properties, renders it a most formidable weapon. The experience of the war has entitled it to a prominent position in the armaments of the future[1] in spite of the fact that its construction had to be rushed, and there was little time for experiment. The tank has progressed at an accelerated rate, one type following another in rapid succession, until Science has succeeded in confronting the world with land fleets composed of units varying in size, speed and armour, whose tactical organisation will soon be comparable with that of its sister service on the ocean. The tank may be capable of still further expansion. The most recent models bear little resemblance to their prototypes of 1917. Consequently, if a new competition in the production and improvement of these monsters is to be avoided, they should be handed over to the custody of the international authority.

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[1] At the Washington Conference, Lord Lee, of the British Delegation, proposed the total abolition of the submarine.—Buell, *The Washington Conference*, p. 215. At the London Conference, 1930, in the Plenary Session of February 11th, Mr. A. V. Alexander, of the British Delegation, and Mr. Stimson, of the American, repeated the proposal.

[2] " The General Staff in India, rightly, so I hold, consider that the Vickers tank and the present artillery dragon are unsuited to frontier warfare."—Col. J. F. C. Fuller, *On Future Warfare*, p. 273.

Artillery did not escape the devastating improvements conferred by Science upon all arms during the years of the war.[2] "Big Bertha" dropped shells into Paris from a range of seventy-six miles.[3] Compared with the 1914 establishments, the artillery of to-day has made great strides in calibre, range and precision. If, as we have seen, the requirements of the national police or quotas are stabilised on the establishment basis of the standard year, the residuum, consisting of the most modern and powerful types, should be handed over to the international authority. In applying the principle of differentiation the clauses in the Treaty of Versailles dealing with the classification of the German artillery may again be taken as a precedent.

(C) *Chemical or Poison Gas Section.*

In this section are included all the offensive weapons and apparatus employed in gas warfare, including projectors, mortars, bombs and all existing supplies of gas ammunition.[3]

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[1] Churchill, *The World Crisis, 1916–1918,* pp. 396–397, cited p. 305, note 1.

[2] See p. 326, note 1.

[3] *E.B.*, 14th edition, Vol. II, p. 470.

[3] There is one exception, in that non-lethal poison gases may be utilised by the national police forces in the maintenance of civil order. See chap. XI, p. 399.

Poison gas is also a scientific product of the war which as an instrument of destruction is still only in its infancy. No one can prophesy what its developments may be in the future. Military scientists compete with each other to discover a still more potent variety which will defeat all the protective devices hitherto designed to ward off the danger.[1] Poison gas will probably supersede bullets and high explosives as the ammunition of the future. The employment of aeroplanes as a species of super-artillery, with poison gas as ammunition, will place civilian populations at the mercy of the armed and masked hosts of the combatants. Teeming centres of population like London, Paris or New York are particularly vulnerable. Plans are in existence for the evacuation of London immediately hostilities begin, but where this huge mass of humanity is to be transported or how it is to be fed still remains a mystery. The expanding range of aeroplanes increases the risks and dangers of civilians should any irresponsible dictator seize the reins of power in a European country.

The use of poison gas in warfare cannot be restricted. It was originally introduced by the Germans in gross violation of the spirit if not of the letter of the Hague Convention.[2] Since the war, it has twice been prohibited in international agreements.[3] Many people believe that sooner or later these declarations will become so much waste-paper, and it is for this reason that War Offices still maintain their gas services and promote chemical research.[4] If Governments really believed that these conventions would be adhered to they would refrain from pursuing their chemical investigations and disband the personnel of their gas services. Consequently, it is clear that these services should be handed over to the control of the international authority, in order to remove, as far as possible, the temptation of indulging in a surprise attack, which the existing system offers to any criminally-minded State. Moreover, it will be impossible to enforce the existing Gas Conventions of Geneva and Washington unless this course is adopted.

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[1] See p. 35, note 1.

[2] By releasing gas from cylinders instead of employing projectiles the Germans conformed with the letter of Hague Declaration IV, 2, of 1899. This act exemplifies the difficulty experienced by international bodies in endeavouring to legislate for the conduct of war.

[3] I.e. in the unratified Washington Treaty of 1922, and the Geneva Convention of 1925. See chap. III, pp. 149–150, and p. 34, note 2.

[4] See p. 35, note 1.

It may be argued that even the international authority should not be entrusted with the employment of poison gas, because its results are so devastating and inhuman. This view cannot be substantiated. The more potent and deadly the weapon, the more imperative the reason for placing it in the custody of the authority. Experts maintain, however, that gas warfare in comparison with other forms of destruction involves less suffering and disablement.[1] On the other hand, a new discovery may produce a much more virulent species of gas than any which so far has been encountered. The only way to prevent such a discovery and its application to war is to remove the incentive which prompts military researchers to experiment with deadly poisons of this character. The incentive will be partially, if not entirely, removed when the whole paraphernalia of the military gas services in every country has been transferred to the international police.

(D) *Air Force Section.*

This section includes all military aeroplanes, airships and bombing machines which at present form part of the military, naval and air establishments of the States-members.[1] Only a quarter of a century has elapsed since the aeroplane first made its appearance, and yet in this short period it has developed apace. The Great War hastened the conquest of the air and also militarised the aeroplane. Commercial aviation has not been able to divorce itself entirely from its military consort. Perhaps it will never be able to do so completely. In any case, the present policy seeks to identify both branches of aviation in order that commercial aeroplanes may become available for war purposes. So long as this system continues civil aviation will be shackled to the war machine.

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[1] "It is difficult to maintain that gas is less humane than other weapons. For example, the total recorded British gas casualties were 180,983 with 6,062 deaths, whilst the mortality amongst other battle casualties was about 25 per cent., and it is striking how small a proportion of the gas casualties who survived suffered any permanent disablement."—*E.B.*, 13th edition, Vol. XXIX, p. 577. Cf. Haldane, *Callinicus*, p. 27, and, for corresponding figures for the American army, Fuller, *On Future Warfare*, pp. 175–176.

The future utility of the aeroplane as a vehicle of commerce may still be in doubt, but there can be no question of its vital importance in war and of its efficiency as a "policeman." Its mobility and comparative cheapness are two important factors enhancing its value as an instrument of offence, which may be used in launching a sudden and secret attack upon an unsuspecting neighbour. It has already demonstrated a wonderful capacity for rapid growth, new models succeeding each other in swift succession, thus increasing year by year the appalling menace which hangs over the heads and homes of civilian populations.

On the other hand, under the control of the international authority the aeropolane may become the emissary of justice, and for the first time in the history of mankind it may be possible to make the writ run to the uttermost parts of the earth.

This new weapon has not yet demonstrated unmistakably its superiority over the naval arm, but signs are not wanting which indicate that the heyday of the navies is past and that 'ere long they may vanish before the onslaught from the air.[2] In the past the navy has been regarded as the "policeman" of the British Empire. In the future the international air force may be regarded as the "policeman" of the world.

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[1] There is one exception in that aeroplanes, of obsolete types, may be used in limited numbers by member-States for the policing of their overseas dependencies. See chap. XI, p. 396 *et seq.*

[2] "Air fighting dominates future war, both by land and sea. It is not my business to discuss the land, but by sea the only way to avoid the air is to get under the water. . . . That's why I keep on emphasising

VII

Enlistment and Recruitment

WE have seen that the control of the staff and effectives of the international police is to be vested in the international authority. It follows that each member of this force owes his allegiance to the commonwealth of States in whose service he has enlisted. He will, therefore, swear his oath of allegiance to the international authority. From that moment until he is demobilised he becomes de-nationalised in the sense that his services belong exclusively to the authority and that he recognises no other official claims upon his loyalty. Racial and national ties are for the time being subordinated to a sense of duty to a higher purpose and to the feeling of *esprit de corps* which membership of such an organisation should inspire. In assuming this status, the members of the international police will have become "citizens of no mean city." They will have emigrated to the kingdom envisaged by Dante, whose monarch is Justice.[1] In this new sphere, however, they will not by any means be the first arrivals. They will discover that their advent has been preceded by that of the Secretariat of the League of Nations. This contingent, consisting of about five hundred persons drawn from over fifty nationalities, has already sworn allegiance

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that the whole Navy has to be scrapped. For nearly a whole year after the Armistice we are spending 140 millions sterling on a scrapped navy."—Admiral Lord Fisher, *The Times*, September 12th, 1919. "According to General Mitchell, Assistant Chief of the American Air Service, 'with our present aviation facilities properly developed, we can sink any enemy vessel, armoured or unarmoured, that comes within 200 miles of our coast.'"—Buell, *The Washington Conference*, pp. 235–236. The instance is cited of the sinking of the ex-German battleship *Ostfriesland*. Two one-ton bombs exploding alongside sank the vessel, though neither effected a direct hit.

[1] See chap. II, p. 70.

to the new confederation of States and in doing so has displayed the highest patriotism. Lord Balfour has described the status of the members of the Secretariat as follows: "The members of the Secretariat, once appointed, are no longer the servants of the country of which they are citizens, but become for the time being the servants only of the League of Nations. Their duties are not national but international."[1] Similarly the personnel of the international police will enjoy the same position as has been accorded to the Secretariat at Geneva, and at the conclusion of their period of service they will assume once more their respective national citizenships, which for the time being they had partially relinquished.

The conditions of recruitment of the international police must necessarily differ during Periods A and B if the relative positions of the participating States-members are to be maintained during the experimental stage. It will probably be agreed that provision should be made in the treaty whereby the existing personnel already enlisted by the national governments in the services to be handed over should be entitled to exercise individually the right of option to transfer their allegiance to the international authority. Before the appointed day when the transference of the new weapons begins it may have been possible to recruit the majority of the existing personnel as international police, provided the terms of enlistment are made sufficiently attractive.

This proposal is based on the assumption that the authority is willing to become responsible for any contractual and financial obligations which the national governments may have entered into with the effectives included in these specialised units. This arrangement, whilst providing the authority with the services of fully trained men, will prevent large numbers being thrown into the ranks of the unemployed. Moreover, each

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[1] *Official Journal*, June 1920, p. 137. Cf. Wilson Harris, *What the League of Nations Is*, pp. 30–31.

State-member will participate in the scheme on the basis of the *status quo*, which must be maintained relatively for the duration of Period A.

Let it be supposed that, as a result of this procedure, the authority has absorbed the national units into the international police. It may then be confronted with a redundancy or insufficiency of force which may involve either a reduction or an increase of personnel. In either case reductions or increases must be made so as to maintain the relative strengths of the national units on the basis of the *status quo*. The actual numbers of any unit may be changed during Period A, but its relative strength in comparison with the other units remains unaltered. Consequently, even if reductions have taken place during this period, no State-member which elects to withdraw from the scheme will be any worse off in comparison with other States-members. Relatively it would be in the same position as it was at the beginning of the period.

Should the international authority find it necessary to reduce the strength of the international police it will be necessary to compensate the effectives, both officers and men, whose services are no longer required. This compensation may be paid in the form of pensions granted on condition that the recipients are willing to place their services exclusively at the disposal of the authority in any emergency and are prepared to enrol themselves in the international police reserve.

Thus the recruiting arrangements during the transition period may differ from those which are applicable at a later and more permanent stage. If, in the event of an increase of personnel during Period A, any national government is unable to recruit the numbers to which it is entitled, the authority would then fall back upon the procedure contemplated in Period B, which might be as follows.

The States-members of the international commonwealth may decide to adopt a system of direct enlistment through the administrative headquarters of the authority, thus waiving all relative claims in the composition of the force. The direct method, which is necessarily employed by the French Government in recruiting the Foreign Legion of their own Army, might confer upon the headquarters staff of the authority greater freedom in the selection of the personnel of the force. On the other hand, unless the co-operation of the national War Offices could be enlisted as recruiting agencies, it is conceivable that this system, limited to a central recruiting office, might fail to produce the necessary number of recruits. It might also lead to friction between States-members and the authority if, as a result, the majority of the recruits were enlisted from a few countries. Moreover, the international staff would find it difficult to verify the statements and antecedents of prospective recruits or to maintain contact with those men who had been transferred to the reserve.

Another alternative would be to allocate a proportion of the annual recruitment to each State-member, the ratio of recruits being based upon a formula, as in the case of the quotas of national police.[1] The total number of recruits would then be rationed out amongst the States-members in accordance with a ratio which might be based upon the "barème" or population standard. Thus each State-member would be afforded the opportunity of contributing its share of the personnel of the international police, just as the members of the League are entitled to be represented on its Secretariat. Moreover, the recruitment would be arranged on a fair and impartial allocation which would prevent any nation from securing an undue advantage or influence in the composition of the force. The national War Offices and Admiralties responsible for the administration of the national police would act as the recruiting centres for the national contingents which desired to enlist in the international police. If a State-member was unable to furnish its full complement of recruits in any year, the deficiency might be made good by increasing the allocations of other members or by resorting to the alternative policy of direct enlistment at the headquarters of the authority.

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[1] See chap. XI, p. 406 *et seq.*

VIII

Selection and Training of the Force

IT has been emphasised that the character of the international police differs from that of any army or navy in the past. Their function is a purely defensive one, namely, to exert pressure as far as possible in an unostentatious manner. The offensive spirit does not constitute part of their stock-in-trade. Racial prejudices, national animosities, contempt for the foreigner and other primitive feelings, which hitherto have been fostered rather than discouraged in the national establishments, should find no place in the intellectual or moral armoury of the international police. Their sole responsibility is to enforce international law and to repel the aggressor, from whatever quarter he may appear. Consequently, membership of this force implies a high conception of duty, which should be reflected in a correspondingly high morale, without which the force might disintegrate and fail in its duty at the critical moment.

It follows that it should be recruited from the best human material available, great care being exercised to select the most promising of the candidates who presented themselves for enlistment. In order to ensure that the national governments co-operate in the search for the appropriate type of recruit, it might be feasible to agree upon a minimum standard of physical and intellectual attainment, and all candidates should be subjected to the test of examinations. No recruit who failed to pass these tests should be admitted into the international police. In some countries this system is successfully applied to applicants desiring to be enrolled in the constabularies. In consequence a better type of recruit is attracted by the favourable conditions of service, and is prepared to undergo examinations in order to qualify himself for the post of constable.

Judged from the economic standpoint, it will pay the States-members of the commonwealth to make the terms and conditions of service as attractive as possible in order to enlist men whose qualifications are not confined to those of physique alone.[1] The international police, relatively few in numbers, will all be specialists responsible for operating scientific and complicated weapons, which calls for technical skill and knowledge of a high order. The sciences of engineering, chemistry and aeronautics will all be represented in divers forms and varying degrees, all of which may be turned to good account in fitting the young recruit, not only for his police duties, but also for a civilian career when he retires from the force.

Enlistment in the international police should make its appeal to the spirit of adventure inherent in the youth of all countries. Youth paid the price of the Great War. It is to Youth that the international commonwealth must turn in its attempt to reconstruct international relationships. Youth, untrammelled by the prejudices of the past, eager for new experiences, animated by high ideals, brim-full of expectancy; Youth is the potential parent of the international police. Youth will respond to the call of the commonwealth, but it should be sieved and sifted through the process of tests and examinations.

Let us suppose that recruits are enlisted at the age of seventeen for a minimum term of five years. At the end of this period a proportion of, let us say, three-quarters of the total force would be eligible for re-enlistment for a further term of five years. Their eligibility would be determined by their conduct, achievements and the results of examinations during the preceding period. The retiring contingent, representing twenty-five per cent. of the total force, would be relegated to a distinct category of reserves. Similarly, another group would retire at the end of the second period of enlistment, a third and fourth at the conclusion of fifteen and twenty years' service. The minimum period would, therefore, be five years and the maximum period twenty years, whilst the ages of retirement would be twenty-two, twenty-seven, thirty-two and thirty-seven years respectively.

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[1] "The United States obtain as many full-grown men as they require, because they have the wisdom to pay their men well, on a scale corresponding to the market scale of wages."—Field-Marshal Viscount Wolseley, Introduction to Lieut.-Col. G. F. R. Henderson's *Stonewall Jackson*, p. xiv.

A graduated scale of pensions might be instituted, increasing in proportion to the number of years of service. The pensions awarded to the first two groups, of five and ten years' service respectively, would be relatively small in amount, and regarded in the nature of retaining fees, rather than as a reward for long service. In the case of the latter two groups, however, of fifteen and twenty years' enlistment, the pensions should conform to a higher scale in recognition of their longer term of service and because the advanced ages of retirement would make it more difficult for these reservists to obtain civilian employment.

Each retiring contingent would automatically take its place in the four categories of reserve formations. A scheme worked out on these lines would, in the space of twenty years, place a considerable reserve force at the disposal of the authority, which could be drawn upon in an emergency. These formations would be graduated according to the length of training of the reservists.[1] It may be objected that many years would elapse before the international police were able to call upon the services of a sufficient number of reservists. It may therefore be necessary to multiply the number of reserve formations, especially at the outset, until the requirements of the force in this respect had been fully satisfied.

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[1] The period of training, even of those who leave the force after five years' service, is sufficient to ensure that they will be efficient reserves for a considerable number of years. It has been calculated by a military authority that men who have had two years' training only are of effective value ten years later.—See Baker, *Disarmament*, p. 79.

Moreover, the ages of retirement at the end of the first two quinquennial periods would not preclude the recruits from becoming absorbed in civilian occupations. It may even be possible for those retiring at the ages of thirty-two and thirty-seven to secure appointments.

The success of any scheme, however, would largely depend upon the conditions of service under which the international police are to be enlisted. The rates of pay must be sufficiently high, the amenities, accommodation and recreation facilities should be such as will attract and hold the type of recruit whose enlistment is desired. One of the most important considerations is that promotion and advancement in the force should be the reward of merit and achievement.

The quinquennial competitive tests instituted for the purpose of re-enlistment should provide a stimulus to hard work, sound discipline and self-improvement. But before these tests could become operative, the desire to remain in the force must be paramount in the minds of the men who join the ranks of the international police. This result would be attained if the organisation could, in normal times, combine the duties of policing with a sound technical training which would enable the ex-policeman to earn his livelihood when his term of service expired.

It may be rash to prophesy, but without unduly straining one's faculties of imagination one may conceive that the time may come when the international police will develop into a world technical college of the highest standing. If the recruits are enlisted at an early age, and if, in addition to their military and naval routine, they are encouraged to undergo an intensive educational and scientific training, they will emerge at the conclusion of their period of service as graduates of a world university superbly equipped with technical knowledge, ripe with experience obtained in many lands and fully trained to embark upon a civilian career in the allied professions and industries.

There is nothing fantastic in this idea. The need for education and training in the Army was recognised before the conclusion of the Great War, and educational units were added to the military establishments for instructional purposes.[1] If such an arrangement was possible amidst the stress of war, it can be carried out more thoroughly in times of peace.

An educational programme conceived and executed on these lines would exercise a tremendous influence, not only upon the members of the international police, but indirectly upon the community of nations. This influence would be cumulative as batches of international reservists returned to their respective homes imbued with the international spirit and accustomed to regarding every problem from the international standpoint.

IX

Administration

THE organisation of the international police may be divided into two main departments, the administrative and the operative, and this distinction is generally recognised in all modern military establishments. Broadly speaking, administration includes finance, supply, recruitment, discipline and other measures of routine, whilst operations comprise the tactical employment, training and mobilisation of the forces at the disposal of the authority. Lord Haldane tells us that "under the modern military principle, which is the secret of rapidity and efficiency in mobilisation, duties are carefully defined and divided. The General Staff does not administer, and is not trained in the business of administration. This kind of military business is entrusted to the administrative side of the Army, the officers of which receive a different kind of training. The General Staff says what is necessary. The administrative side provides it as far as it can."[1] It follows that the administration of the international police may be entrusted to boards and directorates composed of expert officers and officials, whilst the sphere of operations devolves upon the members of the General Staff.

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[1] Cf. Cd. 9225 of 1918. In the British Army an educational service has been established as a permanent part of its organisation.

We have seen that the international police is composed of four departments, namely the Naval, Military, Chemical and Air sections. How are these sections to be administered? It is proposed that four boards should be constituted to undertake this task, subject to the control and supervision of the international authority.

The following general considerations have a bearing upon the positions and functions of the Boards:

(1) Each Board should be responsible to the international authority for the preparation of the annual budgets, the enforcement of disciplinary measures and all other matters connected with the routine and administration of the force.

(2) The personnel of the Boards should consist of retired officers who may be regarded as experts in naval, military, chemical and air administration. Each Board should be presided over by a civilian chairman, nominated by the international authority.

(3) The membership of the Boards should be restricted in number, in order that business may be transacted with precision and expedition. Exclusive of any *ex-officio* members, the maximum number might be limited to twelve on each Board.[2]

(4) During Period A all the Great Powers should be represented on each Board, whilst in the case of the smaller Powers it should be possible to devise a system

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[1] *Before the War*, pp. 172–173.

[2] Twelve is taken as the maximum on the principle that the Great Powers may ultimately claim seven seats; the smaller Powers are allotted four, while the independent chairman makes up the number.

of representation based upon a minimum standard of annual contributions, and designed in such a way that each nation contributing over and above this standard should be represented on one of the four Boards.[1] It is clear that no scheme is possible without the assent of at least a majority of the Great Powers. Moreover, their contributions to the force, whether measured in terms of weapons originally lent or transferred or in the annual grants for maintenance, will be incomparably greater than those of the small States. It follows that during the experimental period the Great Powers are entitled to a preponderance of representation. This element is provided for in the scheme, whilst the small nations are also accorded their appropriate share in the task of administration.

(5) In order to secure continuity of policy, it might be arranged that all the members should not retire at the same time, but that a certain proportion should retire annually by rotation.[2]

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[1] To illustrate the working of such a scheme, the following might be taken as an example: On each Board the smaller Powers are allotted four seats. This enables the sixteen States which contribute fourteen or more units to the maintenance of the international force (see Appendix H) to be represented on one of the four Boards. The distribution of the seats would be determined by the Treaty. Thus at the initiation of the scheme the Netherlands, Australia, Sweden and Chile might be allotted seats on the Naval Board; Poland, India, Belgium and the Serb-Croat-Slovene State on the Military; Rumania, South Africa, Switzerland and the Argentine on the Chemical Board; and Spain, Canada, Czecho-Slovakia and China on the Air. It might be decided that on each Board at the end of each year one State would vacate its seat, taking a seat on another Board to fill the vacancy there. Thus, to take the Naval Board, constituted in the way indicated, at the end of the first year the Netherlands would vacate her seat to take one on the Military Board. After four years' service there, she would move to the Chemical Board, and so on. It will be seen that the normal constitution of a Board, according to this plan, is, as regards the representatives of the smaller Powers, two European and two non-European States.

[2] Thus during Period A, two seats on each Board could be vacated in each year. A representative of one Great Power would retire, but that Power might, of course, reappoint him; while one seat of those allocated to the smaller Powers would, as shown in Note (1), be vacated in each year.

(6) During Period B the members of each Board might be selected by the international authority on grounds of efficiency from amongst the senior officers who had retired from the international police, irrespective of their nationality. At the conclusion of twenty-five years the nominations by the national governments of the expert officers in each section would necessarily, with few exceptions, be restricted to their nationals who had served in the police force. If it was decided to hand over permanently the national units to the authority, it does not appear that any advantage would be gained in retaining the right of nomination. It may be anticipated that when Period B has been reached national rivalries will have abated to the extent of vesting the responsibility for the appointment of the Administrative Boards in the authority.

The objection may be raised that two of these Boards are superfluous, and that the duties ascribed to the Chemical and Air sections could be discharged with advantage by the Naval and Military Boards. Whatever force there may be in this argument, weighty considerations may be urged in favour of four separate administrative bodies. Firstly, the problems of the Chemical section, for instance, are not only highly technical, but are also of the greatest importance. Consequently, they must be dealt with by experts. The Chemical Board will be responsible for the supply of gas ammunition, which it will obtain from various sources.[1] It is therefore essential that this Board should be composed of eminent chemists who will maintain a close liaison between the international authority and the chemical industry in different parts of the world. Secondly, if poison gas is to become the ammunition par excellence of the future, its use will not be restricted to any one arm of the Service. It will be requisitioned by the Naval, Military and Air sections, and it should, therefore, not be subjected to the exclusive control of any section. Thirdly, the offensive gas services would tend to develop on special lines, and should be placed under the administrative control of expert officers possessing technical knowledge and experience.[1] Fourthly, the tendency towards the end of the war when the importance of gas became realised was to organise it as a separate unit of the military establishments. The American Staff, profiting by the experience of their allies, lost no time in developing a gas service distinct from the other units of their army.[2]

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[1] See post, Sections XVI and XVIII.

The same reasons may be advanced with even greater force in favour of a separate Air administration. The "Air Police" may develop more rapidly, in potency and efficiency than any of the other sections if it is free to do so along its own lines, without let or hindrance on the part of its sister services. This policy has been adopted in Great Britain, where the Air Ministry has been constituted as a separate administrative entity.

In the tactical schemes which will have been prepared in anticipation of police action, the activities of all four sections will be co-ordinated and regulated by the general staff at the international police headquarters. Consequently, the administrative independence of the four sections will not undermine their interdependence in the sphere of operations.

It has been suggested that each Board should be presided over by a civilian chairman appointed by the authority. It would be an advantage if the chairmanship of all four Boards could be undertaken by the same person in order to avoid overlapping and to co-ordinate the finances of all four sections. This official might be assisted by a deputy-chairman and a Police Financial Secretary, all of whom would be responsible for the administration of the Police Finance Department. They would be charged with the duty of preparing the annual budget for submission to the Boards and afterwards to the treasury or exchequer of the authority. The chairman might also be entrusted with the duty of presenting the police budget to the appropriate bodies of the authority responsible for the control and supervision of the total expenditure of all branches of its services. An arrangement on these lines would conform with the existing practice at Geneva. There are already some eleven sections, including Disarmament, Political and Mandates, engaged in various activities on behalf of the League, whose expenditures are supervised by the financial director.[1] This official is also responsible for submitting the annual budget to the Council and Assembly of the League.[2]

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[1] Cf. Fries and West, *Chemical Warfare*, pp. 45–48.

[2] *Id.*, pp. 31–115.

X

The Operations Sections

THE international police force exists to prevent war and not to make it. It follows that this organisation need not necessarily conform to the war establishments of the past. It should only do so in so far as such a course conduces to its efficiency. The ability to ensure prompt mobilisation, for instance, will always be an imperative necessity. This proceeding involves the preparation of carefully laid plans drawn up in advance, and the tactical distribution of the available forces. These duties would devolve upon the General Staff, which is responsible to the authority for the conduct of coercive operations.

The Police General Staff at the headquarters of the authority may be organised in different ways, the essential aim being to secure unity of action and direction when the force is called upon to function. The manipulation of a heterogeneous force will always be a difficult operation.[1] This fact was demonstrated by the experiences of the war, and it was not until the high command of the Allied armies had been unified through the appointment of Marshal Foch as Generalissimo that they were able to stem the tide of invasion and transform defeat into victory.

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[1] *The Aims and Organisation of the League of Nations*, p. 31.

[2] The Treasurer, acting in the name of the Secretary-General, prepares the draft budget which the Secretary-General submits to the Supervisory Committee.

The international police force is, as we have seen, a composite force consisting of the national quotas and the international police. When mobilisation has been ordered, the national quotas automatically come under the direction of international headquarters. Each quota possesses its own General Staff, and these staffs should fit into the scheme of organisation prepared by the Commander-in-Chief or High Constable who is responsible to the international authority. This arrangement, however, will not be carried out expeditiously unless the High Constable has organised his staff at headquarters in such a way that one section is engaged in effecting a liaison with the quota staffs in order that the movements of the latter may be co-ordinated with those of the international police.

It follows that the High Constable's Staff is divided into two main branches, one dealing with the operations of the quotas, and the other engaged in directing the activities of the international police. The closest co-operation between these two branches under the supreme command of the High Constable is essential in order to secure prompt and united action. The Allied command at the conclusion of the war had been improvised on similar lines.

The next point to be considered is the co-ordination of that branch of the Headquarters Staff which directs the movements of the international police. We have seen that for administrative purposes the force has been divided into four sections—Naval, Military, Chemical and Air. Each of these sections will possess a staff of its own under the command of the Naval, Artillery,[1] Chemical and Air Constables respectively. An Operations Board might consist of these four officers together with their Chiefs-of-Staff, the High Constable and his Chief-of-Staff, ten in all. Under the chairmanship of the High Constable, this Board would be responsible for the preparation of the tactical schemes and policing strategy to be employed by the composite force. When called upon to do so, they would submit these schemes to the international authority for approval. When mobilisation had been ordered, the executive commanders would join their forces in the field, whilst the Operations Board would then consist of the Chiefs-of-Staff, together with the chiefs of those quota staffs participating in the police measures. The High Constable would assume the supreme command of all the land forces, acting on behalf of the authority, whilst the commands of the Navy and the Central Air Force would devolve upon the Naval and Air Constables. The line of demarcation drawn between the land and sea forces would thus be maintained, whilst the Central Air Force, composed of the units which had not been allotted to the land and sea contingents, would also operate under an independent command. The activities of all three contingents, land, sea and air, would be co-ordinated through the Operations Board, which, acting in an advisory capacity, would assist the Executive

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[1] The continuous opposition of his Dutch allies to his schemes was not the least of the difficulties which confronted the Duke of Marlborough in the War of the Spanish Succession. Cf. H. O. Wakeman, *The Ascendancy of France*, p. 345, and see p. 416, note 2. The same difficulty was experienced in the World War. "The lack of any real co-ordination in the exertions and the plans of the Allies has been evident at every stage: and this must be reckoned as one of the chief causes leading to the failure of the campaign of 1915."—Winston S. Churchill, Memorandum of June 18th, 1915: *The World Crisis, 1915*, p. 405.

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[1] The Artillery Constable is in command of the Tank and Artillery sections of the international police. It is suggested that these sections should be organised as one department under the High Constable. In the event of police action, the duties entrusted to the latter will be onerous, inasmuch as the national quotas as well as the land forces of the international police come under his command. The Artillery Constable does not, however, possess the independent status of the other Constables.

Council of the authority, in whose hands the final decisions would always rest. Thus the Operations Board would correspond to the Allied Staffs concentrated at Versailles during the final stages of the war, and the principle of unity of command would be carried to its logical conclusion.

A number of alternative proposals might be adumbrated dealing with the organisation of the international police staff. The tentative suggestions enumerated above are only intended to show that, just as unified command was evolved by the Allies during the progress of hostilities, it is also possible to construct the police command in time of peace if the nations are determined to make an end of war. The Board of Operations would constitute the element of unification, whilst the entire combination would be under the direct orders and control of the international authority.

XI

The General Staff

THE office of High Constable carries with it great responsibility, for he would be entrusted with the command of the quotas and all the land forces of the authority, which include tanks, artillery and those units of the Chemical and Air Services which may be allocated to the military forces. The High Constable would be appointed by the international authority, to which alone he would be responsible for the conduct of the duties entrusted to him. During Period A the office might be held in rotation by representatives of the Great Powers. The order in which the appointments should be made might be based upon the relative strengths of the national units handed over to the international authority or upon the strengths of the quota contributions. During Period B the appointment might be made, irrespective of the nationality of the High Constable, upon technical grounds of eligibility and seniority gained in the service of the international police. At the conclusion of twenty-five years the supply of national Staff Officers with the requisite knowledge and experience would be almost exhausted, and the national governments would be compelled to fall back on the Staff Officers who had served their apprenticeship in the ranks of the international police.

The High Constable should hold office for a limited period of, say, not less than three and not more than five years.[1] At the expiration of his term he should not be eligible for reappointment and would then retire from the force. If the date of his retirement coincided with a period of active service, the authority would be empowered to prolong his term of office, if it thought fit to do so, until the operations had terminated.

Similar conditions might also govern the appointment of the Naval, Air, Artillery and Chemical Constables. A proviso should, however, be inserted in the treaty under which no State-member could be represented by more than one Constable during any one period. For instance, if during the first three or five years France nominated the High Constable, Great Britain the Naval, Italy the Air, Germany the Artillery and Japan the Chemical Constables, in the subsequent period France might take the Air, Japan the Navy, etc., until at the conclusion of the fifteen or twenty-five years, respectively, each of these States would have been represented in all these offices.

An alternative during Period A would be to allocate in rotation the command of the land forces to the military powers—France, Germany and Italy; the Navy to the naval powers—Great Britain and Japan; and the remaining three, Air, Chemical and Artillery, to all five Powers.[1]

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[1] Within these limits it is suggested that the length of the period might depend on the number of Great Powers within the authority. For instance, if the United States and Russia remain aloof, each Power might appoint the High Constable for five years. Thus by a process of rotation, the whole of Period A would be covered. If both these Powers came into the scheme, the Constable might be appointed by each Power for three years, thus covering twenty-one years out of the twenty-five in Period A. In the remaining four years, the Constable might be appointed by the authority.

In Period B the officers required to fill these posts might be chosen by the Authority, irrespective of their nationalities, on grounds of efficiency, knowledge and experience.

It should, however, be provided, that not more than one post should be filled by the nationals of any State-member at any one time. Complications might arise if more than one constable belonged to the same nationality.[2] The junior appointments, both staff and regimental, might be allocated amongst States-members on the same basis as the recruitment of other ranks.[3] Thereafter, these officers would be subjected to tests and examinations upon the results of which their promotion would depend. Thus the officers supplied by the smaller Powers would be on the same footing as those of the Great Powers. Entering the International Police Training College at an early age as cadets, they might graduate at the end of a two or three years' course.[4] Another period might be spent in the service of a section of the international police, after which officers who desired to gain all-round experience might be attached to a national quota for a term of years, and would thus undergo a training in the duties performed by the national police. They might then rejoin the international police, either as staff or regimental officers. A scheme of training organised on these lines would strengthen the liaison between the quotas and the international police, and would equip officers with a working knowledge and practical experience of the quota formations, which must necessarily constitute one of the essential qualifications of the High Constable and his Staff.

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[1] If the United States and Russia, or either of them, participate in the scheme, the former might take her place in the rota for the naval command; the latter, for the office of High Constable. Both would, of course, participate in their turn in the other offices.

[2] See chap. XIV, pp. 559–560.

[3] See pp. 443–444.

[4] The training course for commissioned officers at the Royal Military College, Sandhurst, has since the war been eighteen months. Cadets enter at the age of eighteen or nineteen, after passing a competitive entrance examination. The teaching is non-military as well as military: the former includes constitutional, political, economic and European history, geography, chemistry, electricity, etc.; the latter the conduct of war, strategy, tactics, organisation, military history, map reading, etc. The course of instruction at the Royal Military Academy at Woolwich is similar.—*E.B.*, 14th edition, Vol. XIX, p. 938; Vol. XXIII, pp. 736–737.

XII

Bases

WE have seen that the international police have been equipped with a number of weapons which prior to the war formed no part of the military paraphernalia of any national army. The possession of these weapons is, however, not their only characteristic. They differ from all other organisations of force in the fact that they are homeless. Unlike national armies and navies, they have no territories of their own which may serve as bases for their activities. Collected together from all parts of the world, the international police is an organisation which, like the dove liberated by Noah out of the Ark, flies over the broad expanse of waters seeking a spot where it may " rest the sole of its foot."

There are many places where it would desire to alight, but they are either unsafe or are still covered with the floods of nationalism and ultra-sovereignty. It is clear, however, that the international police, if they are to exist at all, must possess bases from which they can operate speedily and effectively. Their homeless condition is at one and the same time a source of strength and of weakness. It constitutes a guarantee of their independence and impartiality on the one hand, whilst it renders the initial task of organisation more difficult on the other.

The problem, however, is not insoluble. It is one which has faced the federalists of the past in their attempts to surmount the rivalries of the federating member-States. The authors of the American Union solved it when they created the District of Columbia as the freehold site upon which they erected the federal institutions of the United States. The City of Washington sprang from the loins of federalism. Although an insignificant geographical expression extending over a few square miles, it can boast an unrivalled independence. It remains separate and distinct from the forty-eight States, an epitome of the power and resources of this great republic. It is an entity in itself, from whose centre radiate all those forces which hold together this complex organism. In more recent times the Australian Commonwealth has founded a federal capital, which has also been accorded an independent status.[1] On the other hand, the founders of the League, a prey to the exigencies of the moment, failed to endow the latest experiment in confederation with a freehold of its own where it may claim absolute freedom from any external authority. It was indeed fortunate that the choice should have fallen upon Geneva rather than on Paris, Washington or London. Switzerland is a small country, whose neutrality is guaranteed by the Great Powers.[2]

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[1] The problem of the choice of the Australian capital was a difficult one, the two premier States, New South Wales and Victoria, competing for the honour. Eventually a compromise was effected, but only after the draft bill had in 1898 been rejected by New South Wales. By s. 125 of the Commonwealth of Australia Constitution Act, 1900, it was provided that the seat of government should be in commonwealth territory, within the State of New South Wales but not within 100 miles of Sydney. Canberra, the territory eventually decided on, has an area of 940 square miles. Its administration is in the hands of a committee of three, holding office for three years.—*E.B.*, 14th edition, Vol. IV, pp. 729–730; H. E. Egerton, *Federations and Unions in the British Empire*, p. 227.

[2] On March 20th, 1815, at the Congress of Vienna, Great Britain, Austria, France, Portugal, Prussia, Spain, Sweden and Russia signed a declaration in which the permanent neutrality of Switzerland was recognised and collectively guaranteed. Switzerland acceded to it on May 27th, 1815. Article 84 of the Act of the Vienna Congress confirmed it, and on November 20th, 1815, the neutrality of Switzerland was again recognised by the Powers assembled at Paris.—L. Oppenheim, *International Law*, 4th edition, p. 221.

Within its borders the League moves in a far freer atmosphere than if it was located in any of the capitals of the Great Powers, where it might be subjected to pressure of various kinds. But even in Geneva its status and prestige will be impaired so long as it is deprived of its complete and absolute independence.[1]

It follows that the headquarters and bases of the international police should be constituted as free and independent territories whose local government is carried on under the auspices of the international authority, and whose neutrality is guaranteed by the commonwealth of States.[2] Moreover, these territories, however small they may be, should not be subject to the jurisdiction of any member or non-member State. Unless they are accorded this status, their independence may be seriously impaired, and there will always be the risk of controversy and friction between the authority and the States-members within whose frontiers the international police have been accommodated. Consequently, wherever possible the authority should acquire, by rental or purchase, the leasehold during Period A and the freehold in Period B of those territories where it is proposed to station the units of the international police.

It has been pointed out that the numbers of the international police will be relatively small in comparison with the armed hosts maintained in Europe during the last half-century. The nature and costliness of their weapons precludes the expansion of the international police into an army of millions of men. Moreover, the units will necessarily be distributed over a wide area if they are to be entrusted with the policing of the globe. It follows that the extent of territory actually occupied by a single unit, measured in square miles, will be exceedingly small. With the possible exception of the administrative headquarters, it is therefore not a case of creating new States or principalities, but merely of carving out new Washingtons and Canberras at the most suitable points on the earth's surface which are capable of being linked together through the media of an international navy and air force.

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[1] This was illustrated in the position adopted by Switzerland in regard to the supervision of the wireless station she was prepared to place at the disposal of the League in time of emergency. "The erection of a wireless telegraph station . . . raised a delicate political problem for the Confederation. Every country was to some extent responsible for what went on in its territory, and that principle applied just as much to a wireless station as to any other premises coming under the territorial sovereignty of a State . . . In times of emergency . . . it was possible that things might happen at the wireless station of which it would be vitally important for the Confederation to have knowledge . . . hence the Confederation had asked, and still asked, that in times of crisis she should have an observer at Geneva attached to the wireless telegraph station."—M. Motta in the Third Committee, 1928: *Records of Ninth Assembly*; *Minutes of Third Committee*, p. 25.

[2] "The treaty authorising the fleet should make due provision for securing such neutralised harbours and islands as would be necessary."—Commander T. W. Kinkaid: *War Obviated*, p. 160.

These police stations, between which constant touch could be maintained through the cable and wireless, constitute the outposts of the international authority. Just as a policeman directing the traffic in a crowded street represents the arm of the law, so the international police unit in some remote corner of the globe expresses the determination of the community of States to repress international crime. These scattered detachments should be in constant touch with their continental bases and the headquarters. Thus the distribution of the international police might be arranged on a world plan, the single units being grouped round the continental bases, whilst the latter may be regarded as the offshoots of the headquarters of the force.

The main considerations in the selection of these bases are, firstly, their strategical position; secondly, their access to the sea; and, thirdly, their suitability to accommodate fleets of aeroplanes. Given these advantages, the international police will be able to develop its mobility, thus enabling it to concentrate its forces at any particular point in the shortest possible time. The writ will run with unprecedented speed when it is carried by the combined forces of the sea and air.

XIII

The Headquarters

THE strategical position of the international police headquarters is clearly a matter of the greatest importance. This citadel of sanctions will be the centre from which reinforcements can be swiftly despatched to the continental bases. It will also be the main starting point of the expeditionary force which may be called upon to undertake an economic blockade[1] or to proceed at a moment's notice to the frontiers of a State-member to assist its quota in repelling an act of aggression. Moreover, it should not be located in too close proximity to any of the Great Powers.[2] A treacherous State possessing an enormous fleet of commercial aeroplanes might conceivably measure its strength against the international authority by launching a sudden attack with the object of destroying at a single blow the headquarters of the international police. Powerful commercial aeroplanes transformed into bombing machines might be utilised in the hope of effecting a surprise before the international force had been warned of the intention or had time to ward off the attack. Such an attempt may be regarded as highly improbable. Nevertheless, it should be guarded against by placing the international police headquarters outside the effective range of the commercial bombers. On the other hand, there is no need to exaggerate this danger, for it is clear that the headquarters should be within reasonable distance of the sources of its supplies and ammunition. It must necessarily be dependent upon the industrialised nations for maintaining its armoury and replenishing its magazines. It should lie alongside the stream of civilisation, and should not be too far removed from the centres of scientific research. Moreover, the idea underlying the international police force and embodied in its headquarters should make its appeal to the mystic philosophy of the East no less than to the materialistic outlook of the West.

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[1] The use of the term "economic blockade" to describe the sanctions of Paragraph 1 of Article 16 of the Covenant is entirely unjustified. That paragraph provides nothing more than an economic boycott. To the making of a blockade, armed force is essential, and this is beyond the contemplation of the paragraph in question.

[2] "The international force, or at any rate a portion adequate to the probable requirements, must be collected and localised in a certain country. That this country must not be a Great Power or any State of political significance is of course sufficiently obvious."—Rafael Erich, in an article reproduced in *War Obviated*, pp. 142–143.

It will not be an easy task to discover a territory which embraces all these attributes. Yet on the eastern shores of the Mediterranean the civilisations of East and West join hands. Here are the empty cradles of great movements which have influenced the destinies of mankind. The ancient civilisations of Egypt, Greece and Rome have all contributed to the progress of the human race. It is here that Christendom and Islam touch the fringe of each other's garments. Here they may both consent to consecrate force to the service of justice and righteousness. Let us search the eastern shores of this inland sea, and we discover the mandated territory of Palestine. Once the home of a chosen people, it may now become the choice of the associated nations as the headquarters of the custodians of peace and the emissaries of justice. Here is a country, small in extent, whose strategical frontiers have been designed by Nature. Bounded on two sides by sandy deserts, protected on the north by the ranges of the Lebanon, giving access to the sea on its western front, it offers a Headquarters Base to the international police force. It is appropriate that Palestine,[1] an insignificant country, yet known throughout the length and breadth of the world, consecrated in the annals of Christendom for almost two thousand years, should become the first freehold territory of the international authority. Here is a new District of Columbia around which the world confederation may group its States-members. Here may be stored the bulk of those devastating weapons which, although they may not actually be transformed into "ploughshares" and "pruning hooks," may, nevertheless, be employed as implements of good husbandry in the fields of justice and the garden of peace.

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[1] In a conversation in the House of Commons, soon after the Armistice, Sir Mark Sykes elaborated a scheme for an international police force with Palestine as its headquarters. He proposed that the international

XIV

Continental Bases

BUT the cession of Palestine alone to the international authority would be of little avail. The inlets and outlets of the Mediterranean should also be controlled by the international police: otherwise, its security might be endangered and its efficiency curtailed. The lines of communication between Headquarters and the Continental and Unit Bases should be free and uninterrupted. Consequently, it is essential that the strategical points on the map should be held by the international police. Suez, Gibraltar and Panama may be cited as three examples, whilst Constantinople might be selected as the base for the Continent of Europe. This ancient and historic city, the junction of East and West, the lure of every imperialist government, the prize of innumerable wars, should have been internationalised

authority should control a large army distributed over the face of the globe in such a way as to occupy corridors formed by linking up small buffer States, separating the great races. For instance, a line of cantonments would stretch from the Vosges to the North Sea, linking up Alsace-Lorraine and Belgium, separating the Latin from the Teuton races. Another corridor might be formed by a chain of small States from the Black Sea to the Baltic, dividing the Teuton from the Slav. There were several others which I cannot recollect, but he emphasised the suitability of Palestine as a headquarters base for the force. His intimate knowledge of the Near East and its problems was of course well known. See his *Life*, by Shane Leslie.

and handed over to the League of Nations at the conclusion of the Great War. It might then have been removed from the category of objectives which tempt nations to indulge in war, whilst the policing and control of the Straits would have been vested in the international authority. Turkey has not shaken the dust of Europe entirely from her feet, but she has nevertheless removed her capital to Angora. Consequently, in order to enhance her own security she might now feel disposed to consider the transference of Constantinople and the control of the Straits to an international authority, provided that this arrangement was accompanied by substantial profit to herself. A lease during the experimental period, followed by the exercise of an option to purchase in Period B, would be an excellent investment from the standpoint of both parties to the transaction.

XV

Unit Bases

THE provision of an International Headquarters and even of Continental Bases does not, however, suffice to meet the requirements of the authority. As we have seen, a number of Unit Bases should also be established, arranged strategically in such a way that the international forces may be able to carry out effectively and promptly their rôle as the reinforcing agency of the national police in the event of a sudden act of aggression. Unless each State-member can be assured that its security will be safeguarded in this way, it will probably refuse to participate in the scheme. How, then, is it possible to equip the international authority with a number of police bases without outraging national susceptibilities or unduly encroaching upon the domain of sovereignty? In short, what is the line of least resistance?

There are four classes of territories which may serve this purpose, and concerning whose future status suitable arrangements might be made between the international authority and the national governments. These are mandated areas, neutral zones, strategic points and small States or principalities. The first class traces its origin to the treaties of peace at the conclusion of the Great War. It comprises territories in which the League of Nations is directly concerned and has, therefore, at least a moral right to propose how they may best be utilised in the future for the preservation of peace. In a number of cases the nations which have been entrusted with the trusteeship of these countries would probably welcome their transference to the authority. They would then be relieved of the burden which the cost and responsibility of administration entails. Besides, they would realise that in agreeing to this proposal they would not be prejudicing their national interests. Nations would strongly object to handing over any territory, mandated or otherwise, to another State, lest its occupation by this State should adversely affect their own interests. The international commonwealth, of which they are all members, stands, however, in a different position, and they could hardly turn a deaf ear to its appeal, provided that their economic interests were safeguarded by a strict adherence to the policy of the open door.[1]

At present there are a number of neutralised or demilitarised zones—of which the more important are the Rhine zone, abutting on the frontiers of France, Germany, Belgium and Holland,[2] the shores of the Dardanelles, the Bosphorus, the islands in the Sea of

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[1] See p. 589, note 1.

[2] By Articles 42 and 43 of the Treaty of Versailles Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the east of the river. In the area thus defined the maintenance and the assembly of armed forces, either permanently or temporarily, and military manœuvres of all kinds, as well as the upkeep of all permanent works for mobilisation, are forbidden. Breaches of these Articles entail the same consequences under Annex A of the Locarno Final Protocol of October 16th, 1925, as "flagrant violations" of the Locarno Treaties themselves.

Marmora, and the Turkish islands in the Ægean[1]; and the Maritza zone, separating the boundaries of Turkey, Bulgaria and Greece.[2] These zones are intended to place obstacles in the path of potential belligerents, and to act as buffer-States holding the would-be antagonists apart. It is hoped that they will minimise the risk of frontier episodes by keeping the national forces of both countries at arm's length. They serve another purpose which is perhaps of even greater importance. Their existence helps to establish the fact of aggression and to determine which nation has assumed the rôle of the invader. In the past when the national armies have assembled on both sides of a narrow frontier line within range of each other's guns, separated perhaps by a roadway or a river, it would have been difficult, if not impossible, for even an impartial observer to distinguish between the defender and the aggressor when each side accused the other of having fired the first shot. The zone broadens the space separating the possible belligerents. They must cross this space before they can come to blows, and the nation whose army proceeds to march across it has committed an act which brands it as the aggressor. This act, however, should be witnessed by impartial observers who constitute the eyes of the authority, and upon whose evidence the charge of aggression may be substantiated before the international tribunal. But the observer may arrive on the scene after the act has been committed, and consequently no first-hand evidence will be available. If, on the other hand, the observers occupied the zone, the aggressor would be compelled to disclose his identity. The international authority should therefore be responsible for the policing of the neutralised zones, and this task should be handed over to detachments of the international police, whose quarters might be located within the confines of the zone.

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[1] Convention of the Straits, July 24th, 1923.—II in Cmd. 1929 of 1923. Article 4.

[2] The zone was constituted by the Convention of July 24th, 1923, respecting the Thracian frontier.—III in Cmd. 1929 of 1923.

Other zones which are demilitarised are the Great Lakes of North America, the Straits of Magellan, the frontier of Burma and Tibet, the British sphere of influence in Afghanistan, the Itang zone on the Abyssinian frontier, the southern portion of Saghalien, the Norwegian-Swedish frontier, the Moroccan coast zone governed by the Franco-Spanish treaty of November 27th, 1912, the Baltic zone under Article 195 of the Treaty of Versailles, Heligoland, the Czecho-Slovak right bank of the Danube south of Bratislava, Spitzbergen, the Finnish coast of the Arctic Ocean and islands in the Gulf of Finland, the Russo-Finnish frontier, the Aaland Islands, the island of Yap, the Anzac area, Mytilene, Chios, Samos and Nikaria, and the Tangier zone.—*Armaments Year Book*, 1928–1929, pp. 970–1024.

The importance of the Rhine zone has already been emphasised in the Treaty of Locarno, where it is provided that the assembly of armed forces therein is a "flagrant breach" of the Treaty of Versailles, placing an obligation on the other signatory powers to come to the aid of the State which is threatened.[1]

It is probable that as the necessity of being able to distinguish the aggressor becomes more fully recognised the number of neutralised zones will be augmented. It follows that as new zones come into existence the number of locations available for the international police will be correspondingly increased whenever they can with safety be fitted into the strategical scheme for the distribution of the detachments.

The third and fourth classes—the strategical points and the small States—are at present entirely outside the direct supervision of the League, with the exceptions of Danzig and the Saar.[2] Strategical points such as

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[1] Annex A to the Locarno Final Protocol of October 16th, 1925 Article 4 (3).

[2] Danzig, an area of 700 square miles with a population of 350,000, was constituted a Free City under the protection of the League by Article 102 of the Treaty of Versailles. A High Commissioner is appointed by the League. The city cannot, without the previous consent of the League, serve as a military or naval base. No fortifications may be erected, nor may war material be manufactured therein.—Constitution of the Free City, Art. V, *Official Journal, Special Supplement No. 7*, p. 5.

Until 1935 the Saar Valley, an area of 700 square miles, is administered by the League. In that year its fate will be determined by plebiscite. Government is by a commission of five, appointed by the League.

Aden, Gibraltar, Malta, Singapore, Djibouti, Corsica, Yap, the Hawaiian and Aaland Islands,[1] Suez and Panama, to mention only a few, come under the jurisdiction of the Great Powers and are entirely outside the control of any international authority. It is clear, however, that no world policing system can function satisfactorily unless these *points d'appui* are included in the scheme. No State will be willing to sacrifice these outposts, representing its power and influence, under any scheme of negative disarmament. On the other hand, if the power of the sword constitutes the sole right to their possession, they will inevitably become the pretexts and the causes of new wars. Even the Great Powers may be convinced that the era of international competition must be brought to an end if they are to avoid a process of mutual extermination upon which no limits can be placed. They may, therefore, collaborate in the formation of the international police. If they are prepared to entrust the latter with the custody of their new weapons they will no longer require their strategic points. National navies whose duties are limited to policing home and colonial waters will not need to be accommodated in costly and distant harbours.[2] Naval bases will become superfluous to individual States-members which have relinquished the policing of the high seas. Consequently, there remains only one alternative ; to lease these strongholds during Period A to the authority. If any State-member elected to withdraw from the scheme at the end of this period, it would resume possession of its fleet and its naval bases. These two impedimenta cannot be separated. If the former is handed over to the authority, the latter automatically follow.

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[1] These islands, a self-governing group within the Finnish State, were guarded by Russia for over a century because of their strategic position in the Baltic. In 1920, when secessionist claims were resulting in tension between Finland and Sweden, the question was examined by a League commission. As a result of one of its suggestions a new convention was concluded, coming into force on April 6th, 1922, for the neutralisation and demilitarisation of the Islands.—*E.B.*, 14th edition, Vol. I, pp. 495–496.

[2] In 1923 the British Government proposed to build a dockyard and naval base at Singapore. The cost of the proposed undertakings was "roughly estimated" by Mr. L. C. M. S. Amery at £10,500,000.—*Commons Debates*, June 27th, 1923, 5th Series, Vol. 165, Col. 2295.

In addition to the classes already mentioned, there remain a number of small States and Principalities scattered over the face of the globe whose territories might, with their consent, be utilised as Unit Bases for the international police. Such States as Albania, Monaco, Latvia or Estonia, Honduras, Newfoundland and Haiti, might be willing to lease a portion of their territories to the authority in return for a guarantee of protection and in lieu of a portion of their annual contributions towards the maintenance of the force. Arrangements mutually advantageous to both parties might be agreed to, which would add considerably to the number of Unit Bases at the disposal of the international police.

It will, therefore, be seen that the problem of accommodating the international police is not an insuperable one. The suggestions adumbrated above are intended to serve as illustrations rather than concrete proposals. The international policeman cannot function effectively unless he is ubiquitous. His units may be scattered, but he possesses mobility which will enable him to concentrate his forces with the utmost speed. The strategical distribution of his units combined with schemes of mobilisation prepared in advance will enable him to use his forces to the greatest advantage and thus to ensure the maximum measure of disarmament.

XVI

Replacement and Manufacture of Weapons. Ammunition Supply

THE international authority has now been equipped with the new services, and these have been allocated to their appropriate bases or police stations. From time to time, however, the weapons handed over to the international police will require to be replaced as the original stock becomes worn out. In certain eventualities it may even be necessary to increase the supply if, for instance, the States which remain outside the commonwealth decided to embark upon a new competition in armaments in defiance of the reign of law and in order to impose their individual wills upon the community of States. It is anticipated, however, that the authority may be able to reduce the contents of its arsenals and thus obtain a considerable measure of disarmament, followed by a still more comprehensive reduction when the non-member States have sworn allegiance to the commonwealth.

But, however great these reductions, there will always be the need for the replacement of old and useless weapons, and for the replenishment of the stocks of ammunition. It is true that the rate of depreciation will bear no comparison to that which now obtains.[1] It will not be dictated by competitions between the national War Offices or Admiralties, nor will it be regulated by the whims of designers and experts. The armament firms, having discovered that the manufacture of warlike material can no longer be regarded as a lucrative investment, will become the staunchest advocates of peace and the most enthusiastic supporters of the international authority. New models and designs will no longer make their kaleidoscopic appearance on the armaments stage. The authority may occasionally introduce a new weapon, and it may improve upon its original types. It may be forced to do so by the action of non-member States, and in these circumstances it would be compelled to undertake a comprehensive programme for the improvement and modernising of its armoury. Consequently, provision would have to be made in the organisation of the international police to meet this contingency. But unless it is faced by competition from outside the tendency will be towards stabilisation, and the policy of replacement will be limited to those weapons which are fit only for the scrap-heap. As a result, the " expectation of life " of each species will be greatly increased.

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[1] See chap. XII, p. 434.

Nevertheless, the problem of manufacture and supply, both of weapons and ammunition, will still remain. The international authority might undertake the task of repairs, but without incurring enormous costs it could not become directly responsible for the manufacture of renewals. Repairing workshops might be established at the Unit, Continental and Headquarters Bases, but the production of a new ironclad, tank or gun would be clearly outside the range of its activities, and might lead to endless complications and unnecessary expenditure.

The authority bears no comparison with the individual sovereign State. It does not possess vast territories upon which to erect its factories for the production of battleships, submarines, tanks, artillery, poison gas, etc., nor can it command the services of a highly industrialised population for the supply of its requirements. It must perforce fall back upon the resources of its individual States-members as the means of replenishment. If the latter have handed over their weapons, they can be trusted to produce the necessary replacements and the stocks of ammunition. Such an arrangement would obviate the enormous expenditure entailed by the erection of new factories in localities where the cost of manufacture would perhaps be excessive, whilst the confidence displayed by the authority in the loyalty of its States-members would give them a direct interest in the maintenance of the international police.

Moreover, the concentration of the entire production of weapons and ammunition in a few centres under the control of the authority might constitute a serious menace to its security. To any recalcitrant State-member or hostile non-member these centres would become the decisive points. If they could be placed *hors de combat*, the superiority of the international police would be seriously endangered, if not destroyed. Acts of incendiarism or sabotage directed against these munition factories might deprive the authority at one blow of its vital supplies.

On the other hand, if it is not dependent upon any one source for its replenishments, it may draw upon the resources of all its States-members. If any Great Power assumed the rôle of the aggressor or endeavoured to paralyse the authority by cutting off its supplies, the latter would be able to fall back upon the other powers to make good the deficiency. Thus, the policy of spreading the risks would be infinitely less dangerous than one which aimed at concentration under the authority.

XVII

Aircraft an Exception

TO this general rule there may be a possible exception. It relates to the unique position of aircraft as a policing agency and the necessity of improving this new arm of the service in order to increase its potency and efficiency. Consequently, it may be found desirable to establish several aircraft factories under the control and direction of the authority and specially designed for the construction of fighting machines and bombers. These factories would concentrate their activities in developing the military type of aircraft, which might tend to become more and more distinct from the commercial air vehicle.

In the sphere of aviation new types follow one another in rapid succession. These factories would, therefore, become centres of research and experiment contributing to the advance of aeronautical science.

It is held in some quarters that the fighting 'plane will become the decisive weapon of the future, and that superiority in this arm will be the dominating factor in any struggle.[1] Whether this view can be substantiated or not, few people will deny the importance of the military aeroplane and the necessity of maintaining its superiority in speed and "performance"[1] over the commercial 'plane. The authority should not be entirely dependent upon the efforts of private firms in improving the existing types and models. The fact that it possesses a monopoly of the fighting 'planes should not prevent it from exploiting this advantage by increasing the speed, range and efficiency of these machines.[2] The authority need not depend solely upon its factories for even the bulk of its requirements. We have seen that this would be a mistaken policy. But in a matter of such vital importance it could not afford to rely entirely upon the initiative and enterprise of private firms, whilst the dual source of supply could not fail to be an advantage.

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[1] See p. 440, note 2, and p. 637, note 1.

XVIII

Rationing of Orders

LET it be assumed, however, that with this exception, the authority relies upon its States-members for the provision of weapons and ammunition, that it rejects the alternative of direct manufacture and purchases its requirements from the existing sources of supply. This system, however, has its drawbacks against which safeguards should be provided in the treaty. The general considerations bearing on this point are as follows.

Firstly, the armament orders should be rationed out as far as is practicable amongst all the States-members. This proposal, of course, does not mean that every State-member will be allotted its quota irrespective of other factors, such as costs, distance from the police bases, capacity of production and other circumstances which should be taken into account in the distribution of the orders. It is clear that in most cases the requirements could only be supplied by those nations which have attained a high standard of industrial efficiency. Each State-member which can demonstrate its ability of ministering to the needs of the authority should, however, be entitled to its share of the orders.

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[1] Baker, *Disarmament*, p. 215.

[2] If the development of commercial aircraft were to continue and military aircraft remained stationary, the former might readily be converted into a superior weapon. It is essential therefore that military aircraft should maintain its relative superiority.

Secondly, the orders should be distributed in such a way that no State-member or group should be able to secure a monopoly in the manufacture or production of any weapon or species of ammunition required by the international authority. At least, all the Great Powers should be included in the allocation of orders for vital necessities. It is clearly essential that no national government should be placed in a position which would enable it to paralyse the activities of the international police by holding up their supplies, or to exert pressure on the authority by even threatening to do so. If each of the Great Powers participates in the manufacture, limited in extent and defined in the treaty, of these supplies, the security of the international police will be assured and the danger of a monopoly will be removed.

The production of chemical materials may be cited as an instance. At the conclusion of the war there were twenty-five kinds of poison gas,[1] and since then several new varieties have been added to the list. It is essential that all these chemical compounds should be manufactured in factories situated in the territories of each of the Great Powers, thus ensuring to the international authority adequate and alternative sources of supply. Before the war Germany possessed a practical monopoly of these materials, owing to the fact that her industrialists had captured the trade in chemicals,[2] and had organised the industry on a monopoly basis. As a result, she succumbed to the temptation to use the products of her dye and allied industries for war purposes.[1] The arrangement described above will remove this temptation in the future. It will rest upon the unassailable basis of being directed against no State in particular, but against any nation which violates its treaty pledges.

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[1] Haldane, *Callinicus*, p. 8.

[2] "Official statements have been issued by the American Alien Property Custodian which . . . conclusively reveal the existence of a carefully directed German chemical policy making for world domination in the organic chemical industries, which greatly hampered the military effectiveness of other countries and directly strengthened the military resources of Germany."—Major V. Lefebure, *The Riddle of the Rhine*, p. 183.

The third consideration bears upon the procedure during Period A. States-members which join in the scheme will insist that during the experimental stage their relative capacities for the manufacture of weapons shall remain unimpaired. It follows that the ratio of any reductions in the renewal programmes or in the output of ammunition shall be assessed on the basis of the *status quo*. For instance, orders for the construction of naval replacements might be arranged in accordance with the ratio agreed to at Washington between four of the sea powers which have already become members of the commonwealth, namely, 5, 3, 1·66, 1·66.[2] The same method might be applied to other weapons so that at the end of the period the relative positions of States-members in the sphere of production would not be altered. It is probable, however, that during this period the policy of replacement would remain in abeyance, and that the orders would be mainly confined to the purchase of ammunition.

In Period B the allocations, subject to the provisions enumerated above, might be based upon the "barème" formula, i.e. the annual subsidies towards the maintenance of the international police.

Fourthly, the firms and factories authorised to manufacture weapons and ammunition on behalf of the international authority should be scheduled in the treaty, and licences for this purpose might be granted by the authority and endorsed by the respective national governments.[1] No other firms would be added to the list without the sanction of the authority. Moreover, they would be precluded from selling any weapons to non-member States. The authority would thus constitute their sole customer inasmuch as States-members would solemnly have renounced the right to employ these weapons. They have voluntarily handed them over to the authority except, as we have seen, under certain conditions and subject to the restriction of types and numbers which are defined in the treaty.[2]

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[1] "This monopoly in ease of production was an inducement to the Germans to proceed with their experiment."—Major V. Lefebure, *The Riddle of the Rhine*, p. 34.

[2] Washington Treaty for the Limitation of Naval Armament, February 6th, 1922, chap. I, Art. IV.

The further point arises as to whether the authority should deal direct with the munition firms or whether the orders should be transmitted through the national governments. Probably the former method would be the simpler plan and would avoid possible complications and delay, once the allocations for replacement had been agreed to by the States-members. Such an arrangement would tend to strengthen the relationships between the armament producers and the international authority. The former would be less likely to support their national governments in a policy of aggression, preferring the certainty of contracts, however small, to the risk of losing their trade connection with the authority.

In the past it has been the practice of a number of national governments to purchase their warlike equipment direct from armament firms in foreign countries.[3]

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[1] Cf. the proposal of Sir H. Ll. Smith, representing the British Government, to the Temporary Mixed Commission, adopted by the Commission in September 1922 as a basis for consideration. Section II of his proposed agreement provided that "no company may engage in the manufacture or sale of armaments without a licence from the Government of the country in which such manufacture or sale is carried on." Such licence was conditional upon certain undertakings being observed.—Report of T.M.C., September 7th, 1922, *Records of Third Assembly: Minutes of Third Committee*, p. 78.

[2] See p. 433, and chap. XI, p. 395 *et seq*.

[3] In 1928 three flotilla leaders were built for the Argentine by Messrs. J. S. White at Cowes. Two submarines for the Jugo-Slav Navy were

Consequently, the proposal that the authority should follow the same procedure does not involve any new principle in the relationships of sovereign States.

XIX

Storage of Supplies and Ammunition

IT will be seen that for all practical purposes the international police are dependent upon extraneous sources of supply. Their bases should therefore be equipped with ample storage accommodation, in order that they may be able to meet any emergency. Each Continental and Unit Base should be provided with magazines capable of holding a considerable quantity of ammunition. Long distances may separate these stations from their sources of supply. It will therefore be necessary that they should be able to carry sufficient stocks to exert the maximum pressure at the outset and to maintain it until the coercive operations have terminated. Consequently, provision should be made for an adequate reserve supply which can be steadily maintained, and which will render the authority immune from the exigencies which might arise owing to the action of a defaulting State. Ammunition will be required for training purposes as well as for policing operations. The average life of a shell or bomb is rated at ten years: when they have attained this age they must be scrapped.[1] Moreover, high-calibre shells are exceedingly costly.[2]

It follows that in order to cut down expenditure to the lowest limit consistent with the efficiency of the force, one-tenth of the reserve supply should be renewed each year in order to avoid the necessity of an abnormally large consignment being required at the end of the ten-years' period. An arrangement on these lines would

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completed by Messrs. Armstrong, Whitworth & Co., on the Tyne, and six destroyers for Chile were being constructed by Messrs. Thornycroft at Southampton.—*Brassey's Naval Annual*, 1929, pp. 46–47.

[1] Cf. Baker, *Disarmament*, p. 157.

[2] The Navy Estimates for 1929 show the provision for projectiles and ammunition at £873,500.

enable the producing factories to gauge their average output from year to year, and thus avoid the economic waste which violent fluctuations would inevitably entail.

All these considerations point to the importance of providing every Base with magazines capable of storing a sufficient quantity of reserve ammunition and supplies.

XX

The Strength of the International Police

THE strength of the international police will be governed by the probable contingencies in which they may have to be employed. This force cannot be created until a certain minimum number of States are prepared to combine for the purpose, whose joint armaments will guarantee them a sufficient margin of superiority over the armaments of each individual non-member or any probable combination of such States.[1] Once, however, the international police has been established, any accession to the number of those States which have already become members of the commonwealth will tend to diminish the strength of the force. It follows that as the number of non-member States decreases the armaments of the international authority will also be correspondingly reduced. As Mr. Crosby has pointed out : " Centralised force tends to eliminate all force, including itself. The establishment and functioning of centralised judgment and force will enormously shorten the period of preparation for an era in which physical force may possibly vanish. The actual enjoyment of tranquillity under the ægis of a central armament will presumably so strengthen and universalise the desire for tranquillity, and will so hasten the understanding of the mutuality of social interest, that we may now consider such a guaranteed tranquillity as the *sine qua non* of reasonably rapid progress toward a condition of forceless social organisation. Peace by central control will give us an opportunity to know each other. Perhaps then we shall respect each other well enough to discharge the constable."[1]

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[1] See chap. XIV, p. 537 *et seq.*

Let us assume that all the Great Powers and the majority of small States have sworn their allegiance to the commonwealth, and that for practical purposes non-member States no longer exist. The armaments comprised in the four sections already enumerated[2] have been transferred by the national governments to the international authority. How will it be possible to compute the strength of this force? It will be difficult to determine a standard wherewith to measure the armaments required for the policing of the world when all the States-members have surrendered their modern weapons to the international authority. No international policing standard exists. Consequently, whatever figure may be agreed to must in the nature of things bear the stamp of empiricism, and it will necessarily be arbitrary in character. During Period A it might be assessed on the basis of the *status quo*, and the strength of the international police would then be limited to the total armaments handed over to the authority.

This proposal may be objected to on the ground that any measure of disarmament would be postponed for twenty-five years. On the other hand, it offers a guarantee against any increase of the national armouries, which the present system is unable to provide. A great advance will have been made if any expansion of existing armaments can be prevented. If, in addition, it is possible to agree upon a reduction, a further gain will have been registered. In any case, the experience derived during Period A will probably have paved the way for drastic economies in Period B, and the original or *status quo* strength of the international police will not be unduly prolonged. It is safe to prophesy that when each nation is called upon to contribute considerable sums towards the maintenance of the joint force it will endeavour to cut down its expenditure unless valid and substantial reasons can be adduced to the contrary.[1] Individual members of a community may voluntarily support an institution which they consider to be essential to their welfare. The time may arrive, however, when this institution has outlived its usefulness, when it no longer ministers to vital needs, and its supporters cease to subscribe towards its maintenance. Similarly, the members of the Commonwealth will contribute towards the cost of the international police only so long as they are convinced of the necessity for a world-policing agency. They will grudge paying their annual amounts, just as some members of the League display little enthusiasm in providing for its financial requirements[2] or as individual citizens dislike the necessity of paying for the upkeep of their national constabularies. It is a curious psychological fact that nations will willingly and almost cheerfully bankrupt themselves in the cause of war, whilst they loath the idea of taxing themselves in the cause of peace. Stern necessity may, however, drive them into adopting the second alternative.

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[1] Oscar T. Crosby, *International War*, p. 11.

[2] See Section VI, pp. 433–441.

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[1] "Both the history of the five provincial boards which jointly managed the affairs of our Dutch navy in republican times, and the attitude of each of the seven provinces towards the national forces, teach us that, when a community has to supply or maintain military forces which are not to be employed in its own immediate interest, there is always a tendency to grudge the necessary expense, and even to avoid payment of the same when possible."—H. E. Baron van Asbeck in *War Obviated*, p. 95.

[2] On August 31st, 1929, there were due to the League 10,350,591 gold francs from nine member-States. Peru, the worst offender, still owed a portion of her 1920 subscription, and her whole contributions for 1921–1927. Yet the 1929 Assembly elected her to the Council! China, a member of the Council in the early years of the League, and re-elected in 1926, still owed her entire contributions for 1923, 1924, 1925 and 1928, and portions of those for 1922, 1926 and 1927. Bolivia owed a portion of her 1923 contribution, and the whole from that date. Honduras and Nicaragua had still failed to pay the compounded payments for 1920–1922 (compounded in 1923 and 1924), and their subscriptions for 1923–1927, and in the case of Nicaragua for 1928, were entirely outstanding. Salvador, a member of the Council in 1926, had attempted to meet the outstanding subscription of 1919–1922, but not with entire success; Paraguay had made a similar effort but had failed to pay the whole of her 1927 subscription. Luxembourg owed the whole, and Persia a portion of their 1928 contributions.—*Records of Tenth Assembly, Minutes of Fourth Committee*, pp. 114–116.

They can, however, be relied upon to curtail rather than to increase their contributions. The time may arrive when States-members will be convinced that justice can be obtained and their security can be safeguarded without the existence of an international force. Then they would probably discontinue their annual grants towards its maintenance, because international sanctions would no longer be required. When this epoch—the millennium in international relationships—arrives nations will, by force of habit, have acquired a new mentality and morality. Justice will reign supreme and will no longer require the services of force. The international police might then be disbanded with safety, because they will have become superfluous in the international system. We are not concerned, however, with the far distant future. The immediate problem is how to establish the reign of law and, in the meantime, to create an international police sufficiently strong to deter the would-be aggressor, and to make the writ run.

XXI

Possible Aggressors

AS we have seen when discussing quotas,[1] there are two possible disturbers of the peace, the recalcitrant State-member and the non-member which has donned the uniform of the aggressor. In the case of the former, the forces of the authority will only be opposed by the national police or quota, whose armaments have been stabilised on a pre-war basis. It would, therefore, be fair to assume that the strength of the international police, organised on the basis of existing armaments or the *status quo*, would endow the authority with overwhelming superiority: and that in all probability the policing function could be effectively exercised by a specialised contingent, whose numbers and armaments were greatly reduced. Time and experience alone would demonstrate the actual requirements and dimensions of the force.

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[1] See chap. XI, p. 406.

In the case of a non-member State, it will be necessary that the strength of the international police should be fixed at such a figure as will confer undoubted superiority upon the authority, in order that it may be able to protect its States-members from an act of aggression on the part of any outside State. It will, therefore, be essential to create a standard of relative superiority. The strength, for instance, of the international navy might be maintained on the basis of a ratio of two or three to one. This means that if the most powerful non-member fleet consisted of ten units, the international navy should be composed of twenty or thirty units.

The tonnage strengths in capital ships and aircraft carriers were apportioned to the five naval powers at the Washington Conference in the ratio of 5, 5, 3, 1·66, 1·66.[1] Let it be supposed that one of the most powerful of these States remains outside the circle of the commonwealth, whilst the other four have signified their intention of providing an international sanction. In these circumstances the international police could count upon eleven-and-a-third units, which would be more than equivalent to a two-power standard.

The same principle might be applied to other weapons with which the international police are equipped, the strengths of each section being relatively higher than the corresponding strengths of those States which elect to remain in splendid isolation. The armies, for example, of "X," the most powerful non-member State, may be equipped with tanks, artillery, poison gas and aeroplanes. The expeditionary or reinforcing strength of the international police in all these sections capable of being mobilised at a moment's notice should at least be absolutely superior to the corresponding forces of "X."

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[1] See p. 478, note 2.

In these calculations allowances must be made for the heterogeneous character of the international police and for the fact that the units are scattered over the face of the globe. A non-member State could concentrate its forces rapidly at the decisive point. It also possesses the advantage of being able to assume the offensive, a rôle from which the international police are debarred. It may, therefore, launch a sudden and unprovoked attack, counting upon the element of surprise, in the hope of reaching a swift and victorious decision. Consequently, the relative strength of the international police must be sufficiently great to offset these disadvantages in the strategical distribution and tactical employment of its forces.

We have seen that the existence of a powerful non-member State may provide at the outset a basis of relativity upon which to assess the strength of the international police.[1] At a later stage, when the non-members have joined the world confederation, the strength of this force will be correspondingly reduced.

There are other considerations which have a bearing upon the strength of the international police.

Firstly, it is clear that the international navy may be called upon to perform at least three functions, i.e. to undertake an economic blockade, to ensure the safe convoy of troops and supplies, including the national quotas, and to guard the bases of the international police, maintaining free and uninterrupted the lines of communication between them.

Secondly, in determining the strength of the international air force the relative size and "performance" value of commercial aeroplanes cannot be left out of account. Both States-members and non-members will possess fleets of commercial aeroplanes, which under existing conditions can be mobilised on a war footing. It follows that the strength of the international air fleet must possess a relative superiority, not only in comparison with the fighting squadrons of the non-member, but also with his commercial bombers as well. The same ratio of superiority should also be maintained over the commercial air fleets of States-members, in order that the temptation to use these machines for warlike measures may be removed.

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[1] See p. 485, and chap. XI, p. 409.

Thirdly, the potentialities of the air, when they are developed for policing purposes, are so immeasurable that the strength of this arm may be increased rather than diminished. It may expand at the expense of the other branches of the service if it is found to be a more effective and less costly instrument for the policing of wide areas and scattered communities.[1]

XXII

Tactical Distribution

IT has been pointed out that the strategical and tactical distribution of the international police involves a number of highly technical problems. A few considerations may be mentioned which have a bearing on this subject.

Firstly, the necessity for a wide distribution can hardly be avoided, because the units or police stations represent the arm of the authority. Their presence in many and scattered quarters of the earth enhances the sense of security of States-members and brings home to all the nations the reality of the new world order.

Secondly, although this circumstance may impair the efficiency of the international police and consequently necessitate a larger force than would otherwise be the case, nevertheless it may be mitigated by concentrating at the Headquarters and Continental Bases such expeditionary forces as may be required for the purposes of an economic blockade or of reinforcing the national police in the event of aggression. The organisation of the international navy, the tank fleet, the artillery arm and the central air force might be undertaken on these lines so as to increase the mobility of the international policeman, and enable him to execute promptly the orders of the authority.

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[1] See p. 396, note 1.

Thirdly, the Unit Bases should, as a general rule, be regarded as air force stations, equipped with adequate supplies of chemical ammunition. In exceptional circumstances it might be necessary, for special reasons, to augment this provision with detachments of tanks and artillery as, for instance, in the case of Danzig,[1] but as far as possible their armaments should be confined to the squadrons of the air.[2]

XXIII

Finance—Capital

EVERYTHING worth having in this world has to be purchased, and the international police will form no exception to this rule. The price of international sanctions may have to be paid in the "bloody sweat,"[3] tears and agony of another great war. On the other hand, they may now be purchased with a modicum of goodwill, co-operation and common sense, together with an annual monetary contribution towards the maintenance of the international police. These payments will probably, in the course of a few years, represent a tithe of the national expenditures on armaments prior to the war. The choice is simple, and for this reason it is difficult to make. The insurance premiums can be paid into the treasury of the international authority, which will enable it to maintain an efficient fire brigade capable of extinguishing incipient outbreaks. On the other hand, a policy of apathy and drift, involving every country in enormous expenditures on renewals and depreciation, will certainly culminate in a general conflagration, plunging the world into misery and ruin.

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[1] See chap. XI, p. 401.

[2] The equipment of these Unit Bases might comprise airships as well as aeroplanes. Thus the range of action of the force can be increased. The U.S. Navy in 1926 introduced vast dirigibles with a capacity of six million cubic feet, each ship being armed with thirty heavy machine guns and one one-pounder automatic cannon. These weapons were provided with 9,700 rounds of ammunition, and bombs were also to be carried. Admiral Moffett, Chief of the U.S. Naval Air Service, stated that filled with helium, the ships could fly at a speed of 50 knots for 2,000 miles with a military load of 43 tons. Each dirigible could, if necessary, carry six fighting aeroplanes for 5,000 sea miles at a speed of 50 knots.—*Daily News*, March 11th, 1926.

[3] "If men cannot to-day, after the agony of this bloody sweat obtain the mastery over themselves and attend to the regular progress of the world's affairs, we shall founder in an era of hopeless and merciless conflicts."—President Wilson : Le Bon, *The World in Revolt*, p. 249.

The tentative proposals already adumbrated demonstrate that the international police can be recruited, administered, armed and accommodated with suitable bases if the nations are sincere in their peaceful protestations. This force can also be financed by the States-members through the medium of the international authority.

Let it be assumed that on the appointed day the national governments have begun the transference of their armaments to the international authority. It is clear that the weapons to be handed over by each State-member will vary considerably in numbers, types and values. Each national contribution, measured in naval, air, artillery, tank and chemical units, will differ in size and utility. Consequently, the loans to the authority during Period A will represent greater sacrifices on the part of some nations than of others. Henceforward these armaments are to be employed in the service of all the members of the commonwealth. It follows that if these chattels are to be leased for twenty-five years a reasonable rent should be paid by the lessee to the respective proprietors in order that each may receive the amount to which he is entitled. On what basis are these rentals to be assessed? It is proposed that each national consignment should be valued by experts, appointed by the authority with the concurrence of the national governments. In the event of any dispute arising in connection with the valuation the points at issue could be settled by arbitration. The amounts disclosed by the valuation would then be credited to each State-member, and a rate of interest might be agreed to, which calculated on these amounts would represent the annual rents to be paid by the authority during the experimental period. Moreover, at the conclusion of this period the authority might undertake to purchase the armaments belonging to those nations which were prepared to prolong the life of the scheme into Period B. To enable States-members to avail themselves of this option to sell it would be necessary to establish a sinking fund into which should be paid such annual amounts as would give the authority at the end of twenty-five years a capital sum sufficient to purchase the armaments it had rented during that period. Thus, the States-members which elected to carry on the scheme during Period B would be paid for the armaments they had handed over, which henceforward would become the absolute property of the authority. On the other hand, those States-members which withdrew their support would become re-possessed of their weapons, thus forfeiting their right to participate in the proceeds of the sinking fund.

It is clear that an arrangement framed on these lines might offer an additional inducement to any nation which hesitated to embark upon Period B. Its national parliament would not lightly forego the receipt of a considerable sum in order to regain the custody of its armaments.

It is true, however, that this proposal would fail to materialise unless a sufficient number of States-members signified their intention to proceed with the permanent arrangements. If the scheme had to be abandoned, the sinking fund could then be liquidated and repaid to the national governments in the proportions in which it had been subscribed. It will be seen that both the rents and the amounts paid into the sinking fund during Period A would represent additions to the annual maintenance charges of the international police contributed by each

State-member. If this proposal was adopted, all the contributory States would be assured at the outset, when the scheme was launched, that their claims to reasonable compensation would be fully satisfied.[1]

XXIV

Maintenance

THE authority has now become possessed of the weapons which science has forged, for the protection of the international commonwealth. All those nations which recognise the claims of justice will have become parties to the transaction. Imbued with the spirit of law and anticipating the dangers which lie ahead, they will have legislated in advance to prevent the recurrence of Armageddon. Outside this circle there may still remain a few isolated communities. These have either not yet emerged from the condition of barbarism or are so obsessed with their own power and importance that they prefer to exist in the haunts of the international jungle. Civilisation, however, cannot afford to wait for these laggards. The law-abiding members of the international community have not been satisfied with offering up sacrifices on the altar of disarmament. They do not believe that the dismantling of obsolete battleships and the passing of pious resolutions, prohibiting the employment of poison gas and other weapons, will suffice to protect them against the ravages of war. They are prepared to make further sacrifices in the cause of justice and morality. Not only have they entrusted the authority with the custody of their weapons, but they are also willing to contribute towards the maintenance of the international police.

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[1] The position of Germany and the other States disarmed under the Peace Treaties differs from that of the other members of the authority. Having been forbidden to arm, they have nothing to hand over to the authority. Consequently, if the scheme is continued after the end of Period A they do not participate in the sinking fund though they have contributed thereto. On the other hand, they will in Period B assume a status of equality with the other members of the authority in the control of the Force. Moreover, during Period A they will, without having spent their capital in the production of specialised weapons, enjoy security from the existence of those weapons identical with that of the nations which have surrendered them and infinitely greater than they can expect from any other scheme.

On what basis are these annual subsidies to be assessed? They may be regarded as premiums paid into a mutual insurance fund, guaranteeing States-members against the risks of aggression and injustice, no less than of the complete downfall of civilisation and the utter ruin of individual communities. It follows that the annual premiums should be assessed upon the properties to be insured; that is to say, upon the relative values to be attached to the assets of each State-member.

As we have seen, a scheme has been devised by expert economists under which the national wealth of each country may be computed.[1] This is known as the "barème" formula. It expresses the principle of equality of sacrifice or ability to pay in terms of annual contributions to the international authority. In other words, it represents the premiums to be paid on the insurable assets of each contributory State. The relative values of these assets may vary over long periods, and consequently the premiums will require to be re-adjusted accordingly from time to time. The "barème" formula is not an imaginary standard of measurement. It has already been agreed to by fifty-four nations, and is regularly applied in determining the annual contributions of States-members to the common fund which provides for the maintenance of the League of Nations.[2] The salaries of the members of the Secretariat and all other expenditure incurred by the League are paid out of this fund. There is no reason why the same system should not be applied to the maintenance of the international police. Minor adjustments may have to be introduced, but as the main principles have already been agreed to, and have become operative, the cost which the provision of this force will entail can be apportioned in a similar manner.

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[1] Report of Committee on Allocation of Expenses, May 4th, 1925, adopted by the Fourth Committee: *Records of Sixth Assembly: Minutes of Fourth Committee*, p. 243. See p. 407, note 3.

[2] The contributions vary from 105 units in the case of Great Britain to the single units of, for instance, Luxembourg or Albania. See Appendix H.

It has already been suggested[1] that the experimental stage should extend over a minimum period of twenty-five years, and that at least three years notice to terminate the arrangement should be given by any State-member desiring to withdraw from the scheme at the expiration of this period. Thus the authority will be able to rely upon an assured revenue during Period A.

If a State-member defaulted in the payment of its annual contribution, the authority might have recourse to two methods of exerting pressure. It could inflict a penalty, which it would now possess the means to enforce, or it could hold as security for the debt the amount credited to the defaulting State-member in respect of the armaments it had already transferred to the authority.[2]

In these circumstances it is unlikely that States-members would default during the experimental period, and if they were dissatisfied they would give notice of their intention to sever their membership at its conclusion.

In Period B the notice to terminate might be extended to a minimum of ten years. The experience already gained by the League proves that the longer the notice required the more stable will the position of the authority become.[3] It is true that nations, like individuals, may become the victims of passion.

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[1] See p. 431.

[2] See p. 490.

[3] Following her failure in March 1926 to secure a permanent seat on the League Council, Spain in September gave notice of withdrawal which, under Article I of the Covenant, would expire in September 1928. She was absent from the 1926 and 1927 Assemblies. By 1928, however, she had decided to remain a member. Represented in the Assembly of that year, she was elected to the Council and declared eligible for re-election when her three-years term expires in 1931.

In a fit of anger they may suddenly decide to withdraw from the commonwealth and to rehabilitate their national forces with a new and complete outfit in the armaments department. Ten years reflection, however, may produce a sobering and steadying effect; the additional costs and taxes, together with the dangerous implications involved in this proceeding, will be brought home to the electorate. The saner and wiser elements of the nation will then have an opportunity of making their voices heard when the tumult and shouting has subsided. Moreover, a long period of notice would give the authority time to re-adjust its finances and organisation should the threat to secede be carried into execution.

There is also the case of a State-member which may default in its payments during Period B. If the armaments have been purchased by the authority out of the proceeds of the sinking fund, they can no longer be held as security for the payment of the annual contributions towards maintenance. It is, therefore, necessary that clauses should be inserted in the treaty defining the period of grace which may be allowed for the payment of arrears, the penalties to be enforced and the procedure for the collection of debts.[1] Further, it should be stipulated that the services of the international police cannot be requisitioned by any State-member whose contribution is in arrear. When the period of grace has expired, the defaulter should no longer be allowed to take any share in the administration of the force. An intolerable situation would arise if States were free to refuse to honour their engagements without incurring the penalties specified in the treaty, and unless these provisions were strictly adhered to the efficiency and *esprit de corps* of the organisation would suffer. Any uncertainty regarding the payment of their remuneration during the term of their engagement is bound to react disastrously upon the morale of the members of the force.

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[1] The converse is true of a maxim which has played an important part in English history—"No taxation without representation." If States-members do not fulfil their financial obligations, they have no right to participate in the administration of the international force. Under the existing system States are elected to the Council while their subscriptions for many years past remain unpaid. See p. 483, note 2.

It would therefore be an advantage if the contribution of States-members could be paid at least a year in advance, in order that the authority—which, unlike a sovereign State, has no assets to mortgage—may always have a working credit balance on its police account, and thus inspire confidence amongst the members of its force. An arrangement on these lines might contribute to the smooth working of the scheme without impairing the control which States-members must always exercise over the Treasury of the authority.

XXV

Other Considerations

FOUR other considerations bearing upon the finances of the scheme might be mentioned.

Firstly, the Budgets of the four sections included in the international police will be prepared, as we have seen,[1] by the Administrative Boards. They will then be submitted to the Finance Department or Treasury of the authority for inclusion in the annual estimates, which will be presented to the Budget Committee and subsequently to the Assembly of the authority. This proposal closely follows the existing procedure at Geneva in dealing with the finances of the League,[2] and ensures that the control of the purse is vested in the appropriate organs of the authority.

Secondly, it is impossible to estimate the financial and economic savings which might accrue to each State-member through the adoption of the scheme.[3] It is reasonable to suppose, however, that when the competition in armaments has been eliminated, the

[1] See p. 454.

[2] Cf. Sir Herbert Ames, *An Investment in Peace*, p. 4, and C. Howard Ellis, *Origin, Structure and Working of the League of Nations*, p. 435.

[3] See chap. xv, p. 563.

cost of "mutual insurance" will be far less than the total sum at present expended upon "self-defence," but until the scheme has been worked out in detail, and the requirements of the authority have been definitely ascertained, it is impossible to express in actual figures the savings which will be effected in the Budgets of every country.

We have seen[1] that with the possible exception of aircraft, the policy of stabilisation of types, decrease in renewals and replacements, and reduction in the number of weapons will inevitably follow the establishment of the international police, provided that no new armaments race is set on foot by a non-member State. When the existing sense of insecurity has been superseded by a feeling of confidence in the international force, and when non-member States have become parties to the agreement, it can safely be predicted that the financial results will be reflected in the increased prosperity of every nation.

XXVI

Armament Firms

THIRDLY, the effects of the scheme will necessarily be injurious to the interests of the armament firms. The authority will have become their sole customer, and they will no longer be able to exploit national rivalries. Their orders for renewals will have dwindled to modest proportions, and their output will be regulated to meet the needs of the authority. Their trade will be restricted within the limits prescribed in the licences granted under the Treaty.[2]

Under these conditions, it is clear that comparatively few firms would be prepared to tender for new constructional work. A business whose expansion had been permanently arrested, and whose volume of trade tended to diminish every year might become incapable of executing even the slender requirements of the authority, unless special arrangements could be entered into, safeguarding the interests of both parties. For instance, the authority might undertake to pay an annual subsidy, or rent, to the selected firms in each country, in return for an undertaking on their part to maintain a specified quantity of existing machinery and plant, to be placed at the disposal of the authority in case of emergency. The latter might also agree to guarantee a minimum payment to each firm over a period of years, irrespective of the quantities actually purchased. This payment would be merged in the price of the weapons, but would in any case be paid even though the total orders during the period were less than the amount of the annual subsidies. Such an arrangement might be regarded as a guarantee, which would enable the firms to maintain their specialised plant and the services of their skilled mechanics for the exclusive use of the authority. It would necessarily be restricted within narrow limits, and would be applied impartially to all the firms scheduled in the Treaty.

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[1] P. 473 *et seq.*

[2] See pp. 478–479.

Regarded from a purely business standpoint, it might be a profitable transaction for all the nations concerned to extinguish the opposition of the armament firms, by paying them a measure of compensation for the loss of business which the creation of an international police would involve. Hitherto they have flourished as part and parcel of the international system. Their enterprises have been fostered by every government, and they have ministered, often unscrupulously, to the needs of every nation. Their services cannot, however, be entirely dispensed with, and henceforth they can be employed as accessories in the cause of Justice and Peace.[1]

Never has a more favourable opportunity presented itself of coming to terms with the war-traders. The Great War imposed an intolerable strain upon their resources. They were forced to expand their activities in all directions at an unprecedented rate, but on the morrow of the Armistice they were left high and dry to extricate themselves as best they could from the results of over production and the lavish outlay of capital on works which were no longer required.[1] The universal financial stringency imposed upon every nation not only undermined the prosperity, but even threatened the existence of the armament firms. They have been forced to allow their war departments to lie fallow, and to concentrate upon the manufacture of peace products, which have also been adversely affected by the post-war depression in industry. They are passing through a period of reconstruction which inevitably follows after every great war. On the one hand, they may reach a permanent settlement with the authority under which, after providing for its requirements, they will devote their energies exclusively to the arts of peace. On the other, they may tide over the armament depression by developing their peace departments and keeping alive their war factories with small orders which will gradually swell in volume as the national exchequers recuperate and the reaction against war evaporates. When new generations appear, imbued with ideas of extreme nationalism and ultra-sovereignty, when the lessons of the Great War have been forgotten, the armament firms may thrive once more, and in remote corners of the globe new Zaharoffs may arise to emulate the feats of their predecessors.[2]

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[1] Then, and then only, will they be fulfilling a function which a director of the armament firm of Sir W. G. Armstrong, Whitworth & Co. declared to be theirs in 1914—"equipping the police of the world." See p. 234, note 4.

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[1] In December 1925 the great armament firm of Vickers Ltd. wrote down their capital by £12,422,366. In January 1928 Henry Bessemer & Co. Ltd. wrote off 13*s*. 4*d*. on each of 233,500 issued ordinary shares. In the same year an advisory committee of William Beardmore & Co., Ltd., formulated a scheme for reorganisation involving the reduction of share capital from £8,000,000 to £5,090,888.

[2] For the activities of Sir Basil Zaharoff, who was long a leading member of the firm of Vickers Ltd., see R. Lewinsohn, *Sir Basil Zaharoff*.

Here are two alternative policies, and the armament firms may be permanently enlisted on the side either of peace or of war. In their present state of mind and under existing conditions they might be willing to treat with the authority, and a mutually advantageous agreement might be reached which will remove this sinister and potent influence from the realm of international relationships. If, however, a settlement is delayed, not only will all schemes of disarmament be frustrated, but in less than half a century nations will be engaged in a new and disastrous competition in order to bring grist to the armament mill. The present opportunity should be seized by the States-members of the commonwealth to effect a permanent settlement with these powerful agencies. Thus the incentive to stir up international strife, to produce new engines of destruction and to increase the output of munitions all over the world will be removed. Measured in terms of money, no price can be regarded as too high to bring about such a settlement, which can only be achieved through the instrumentality of the authority as an integral part of its scheme for the establishment of an international force.

XXVII

Unemployment

FOURTHLY, the reduction of armaments following the creation of the international police is bound to reduce the number of persons in every industrialised country whose livelihoods depend upon the production of armaments. The complicated problem of unemployment, which has already assumed gigantic proportions in many States, will become still more acute. This fact has been emphasised by the opponents of disarmament in their attempts to bolster up the present system.[1] The same argument will be directed against the establishment of the international police. The scheme will no doubt produce temporary dislocation and unemployment, which each national government will be compelled to deal with. Ways and means should be devised of mitigating and eliminating the hardships which for a brief space may injuriously affect the economic life of States-members in varying degrees.

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[1] "The Government have decided, in view of the serious unemployment, to proceed with the laying down of five cruisers."—Mr. C. G. Ammon, M.P., February 21st, 1924, *Commons Debates*, 5th series, Vol., 169, col. 1971.

In these circumstances joint action under the auspices of the authority may serve to assist those members of the commonwealth whose industries may for a time be disarranged by the introduction of the new regime. An international commission might be appointed to enquire into and report upon the extent of unemployment attributable to this cause in each country, and to suggest remedial measures during the transition period. Through the good offices of Dr. Nansen and of the League 400,000 prisoners-of-war have been repatriated since the Armistice[1] and over 200,000 refugees have been transplanted from one country to another.[2] The task of finding employment may be more difficult than that of repatriation. Nevertheless, the authority may be able to evolve a co-operative scheme for sharing this burden, which the reduction of armaments temporarily imposes upon the members of the commonwealth.

XXVIII

Conclusion

THE creation of an international police establishment may appear at first sight to be a revolutionary proposal. Regarded, however, from a historical or philosophical standpoint, it represents an evolutionary project. It rests upon a scientific foundation, the principle of differentiation, which has been applied relatively in every civilised community. It is based upon the right use of force, the performance of the police function. It abolishes competition in armaments. It provides the machinery of self-defence for all law-abiding States. It furnishes an ample guarantee for their security and converts the scientific discoveries of the Great War into an impregnable sanction, destined to deter the aggressor from the crime of war. It is the key which unlocks the door of disarmament.

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[1] H. Wilson Harris, *What the League of Nations Is*, p. 95.

[2] Report of the Fifth Committee, 1927: *Records of Eighth Assembly, Plenary Meetings*, p. 468. See also *Records of Ninth Assembly: Minutes of Fifth Committee*, p. 71.

The considerations urged in the foregoing pages demonstrate the practicability of the formation of the international police. Whatever criticism may be levelled against the details of the scheme, its broad outlines are unassailable, for it stands upon the rock of human experience and is based upon the principles which have hitherto guided the halting footsteps of civilisation. The services of experts may be requisitioned to fill in the gaps and to adjust the details of a scientific organisation designed to establish the reign of law.

The creation of the international police will mark the beginning of another stage in the evolution of mankind. It represents the only practical policy which will effectively prevent the recurrence of Armageddon, because in concrete form it will embody the determination of the peoples of the world to seek justice and ensue peace.

CHAPTER XIII

THE EXECUTIVE

"Never was a council so august, nor assembly so honourable as that of which we speak, which would be composed of ambassadors of all the monarchs and sovereign republics, who will be trustees and hostages of public peace."—EMERIC CRUCÉ.

I

Amendment of Articles of Association

THE international authority has now been equipped with the "major force of mankind"[1] in the form of an international force composed of national and international police. The treaty or articles of association under which this force will be established must necessarily include a number of other provisions dealing with the constitution and organisation of the international authority. As we have seen, the Covenant of the League makes no provision for an international force. The project was deliberately vetoed by the protagonists of ultra-sovereignty.[2] If it had been created at the conclusion of the Great War, the Covenant would have emerged in a vastly different form. It would have been framed in such a way as to place upon the shoulders of the League the direct responsibility of repelling aggression and dispensing justice amongst the nations of the world. The right to make war would have been rigidly excluded, and the ancient practice of trial by battle would have been effectively outlawed. The gaps and loopholes in the Covenant[3] would have been closed, and its judicial and arbitral procedure would have embraced every class of dispute, whatever its character, judicial or non-judicial. All would have been subjected to the process of law. Aggression would have been defined, and the implications of Article 19[1] would have been expanded. The process of disarmament, instead of being limited to the forces of a vanquished foe, would have been applied impartially to all the members of the commonwealth. The nebulous provisions of Article 16 would have been replaced by a clear and definite procedure regulating the functions, movements and activities of the international force.

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[1] See chap. II, p. 106.

[2] See chap. III, p. 126 *et seq.*

[3] See chap. I, p. 51.

As we have seen,[2] attempts have already been made to close a number of these gaps, and a considerable measure of agreement has been reached. The Draft Treaty of Mutual Assistance, the 1924 Protocol, and the Pact of Locarno have clearly demonstrated that the flaws in the Covenant have been recognised and that the task of amendment is not regarded as insuperable.

The provision of an international force logically accompanies the reforms in the constitution of the League which have been discussed and agreed to on several occasions, though never ratified. It is true that their embodiment in a treaty or new articles of association involves a complete overhauling of the existing machinery of the League, just as the confederation of the United States, after an experimental period of seven years, was superseded by the federal constitution.[3]

Moreover, it is clear that no amendments of the Covenant will be a sufficient guarantee against war, unless they are accompanied by the provision of sanctions, and that a military sanction can only be scientifically organised through the creation of an international force.

Thus it will be seen that the problem will not be solved unless these reforms and the international police force are introduced simultaneously.

The converse is also true, namely, that the international police cannot function until the articles of the Covenant have been drastically revised and expanded, in order that the authority may be able to utilise the powers of coercion which the possession of a reliable and automatic sanction confers upon it.

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[1] See chap. I, p. 20 *et seq.*

[2] Chap. III, p. 136 *et seq.*

[3] See chap. VI, p. 214.

It follows that when States-members have agreed to constitute the international force they will also be compelled at the same time to re-cast the constitution of the commonwealth.

II

Functions of the Executive

THE existence of an international force not only presupposes the complete organisation of the judicial and arbitral machinery of the authority, but also entails the creation of an executive power to which is entrusted the responsibility of executing the decrees of the judiciary and of compelling the appearance of the aggressor State before the bar of justice. Consequently, the Executive will set in motion the police force at the disposal of the authority. It will control its activities and movements. Acting in conformity with the articles of association, it will decide how the sanction should be executed, what naval, air or military measures should be undertaken, and what national quotas should be requisitioned. It will be responsible for giving orders to the High Constable and the Headquarters Staff when it is necessary to repel a sudden act of aggression. It will call upon the national governments to mobilise their quotas of national police, and it will decide when the coercive operations should be terminated.

It follows that the Executive will act in a dual capacity; firstly, as the servant of the judiciary and, secondly, as the protective agency of the international society. In both cases it will perform the police function.

In the former, it will not be called upon to interpret international law, nor will it be asked to pronounce judicial decisions or make arbitral awards. These functions have been assigned to the Permanent Court of International Justice and to arbitration tribunals, which together represent the legal machinery of the authority. The Executive will enforce automatically the decisions and awards of the Courts in accordance with the provisions contained in the articles regulating the application of sanctions.[1]

In the administration of municipal law the same procedure is adopted. The judge or arbitrator pronounces a verdict or makes an award, which is duly enforced by the executive, acting through its constabulary. In the event of civil strife, the magistrate reads the Riot Act and calls upon the executive to restore law and order. Thus in all cases which are capable of being dealt with summarily through the machinery of the courts, the executive acts automatically, at the behest of the judiciary. It is not concerned with the merits of the legal or arbitral decisions, but only with the choice of the means and the methods of enforcing them.

III

The Executive as a Protective Agency

IN the second case, the Executive assumes the role of a protective agency amongst the society of nations. If a number of robbers attack a householder, the constabulary immediately proceeds to the assistance of the latter. A decision must be taken at once, and there is no time to procure a writ from the judge or magistrate. The executive must act promptly; otherwise the house will be robbed and the inmates may be murdered. Similarly, if a State is guilty of committing a sudden act of aggression, described in the Pact of Locarno as a "flagrant violation,"[2] the Executive will be compelled to act instantly, issuing its orders to the international police and taking the appropriate steps to mobilise the quotas of its States-members. In this case the Executive would be called upon to use its own discretion in determining whether an actual breach had occurred. It would also have to shoulder the responsibility of branding the aggressor nation. In arriving at this decision it would be guided by the definition of aggression laid down in the articles of association and the facts of the situation reported by its officers. If any doubt still remained, it would proclaim an armistice.[1] Further, it would transmit its decision to the Permanent Court, and apply for an injunction against the aggressor State. The Court would assemble at the earliest possible moment and would proceed to investigate the facts. It would summon all the parties to the dispute to appear before it. If these proceedings proved abortive, it would issue a Writ of Summons or Mandamus[2] demanding the appearance of the parties and entrust the executive with its enforcement.

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[1] "As in the old German Federation a police action could take place for the maintenance of the fundamental law of the Federation and for the carrying out of the decrees of the Federation, in this case also, by the existence of a police force, the possibility would be given of providing the necessary guarantee for the whole complex of international law. . . . This would mean an advance with immeasurable possibilities."—W. Schuecking, "Der Staatenverband der Haager Konferenzen," reprinted in *War Obviated*, p. 201.

[2] See p. 84, note 4.

It will be seen that this procedure is simple, and that it closely resembles the practice of municipal law in dealing with sudden assaults upon individuals. In both instances the executive may be called upon to exercise its own initiative in repelling aggression, but its action must be endorsed subsequently by the courts of law. The procedure adopted in the constitution of the German Reich imposes on the President of the

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[1] Cf. the Protocol for the Pacific Settlement of International Disputes, 1924, Article 10.

[2] The Writ of Summons, the common mode of commencing a civil action, calls on the person on whom it is served to appear before the court to defend the action brought against him, on pain of judgment being given in his absence.

The English Writ of Mandamus is a high prerogative writ designed to supply defects of justice, and is in form a command issued from the High Court of Justice directing a person or institution to do some specified duty appertaining to his or its office.—*Halsbury's Laws of England*, Vol. 10, p. 77.

Federation and the governments of the States-members the responsibility of dealing with breaches of the peace. Their actions, however, are subject to the approval of the legislative body, the Reichstag, and not to that of the judicial authorities.[1] But apart from this distinction, the proposal adumbrated above corresponds with the position of the German Executive. In both cases the action of the Executive must be endorsed by either the judicial or legislative authorities.

IV

Separation of Powers, between Judiciary and Executive

THE following considerations may be urged on behalf of an arrangement which provides for the division of powers between the judiciary and the executive in the absence of any effective legislative body.

First, it guarantees that the reign of international law will be established. Henceforth international disputes will be adjudicated in accordance with the principles of law and equity. The decisions will not be dictated by political motives and interests. So long as the impartiality and incorruptibility of the international Courts are above suspicion, the authority can furnish proofs of its stability and will be regarded as the bulwark of civilisation.

Secondly, the division of powers will safeguard the rights and interests of individual States-members, not only in their relationship to each other, but also in their association with the authority. The powers of the Executive will be circumscribed by the articles of association, and if they are exceeded each State-member will be able to seek redress by instituting proceedings before the Courts of the authority.[1]

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[1] In Article 48 of the German Constitution it is specifically enacted that " where public security and order are seriously disturbed or endangered within the Federation, the President of the Federation may take the measures necessary for their restoration, intervening in case of need with the help of armed forces. For this purpose he is permitted, for the time being, to abrogate, either wholly or partially, the fundamental laws " in the articles of the Constitution guaranteeing the rights of personal liberty, secrecy of correspondence, the free expression of opinion and public meeting, together with the security of property and the sanctuary of residence. Similar powers are given to the State governments, but both the President and the State governments must, without delay, inform the Reichstag of any measures taken, and they must be withdrawn on the demand of the Reichstag.

Thirdly, the importance which would be attached to the judicial machinery of the authority under these arrangements would stimulate the codification of international law. The knowledge that in future this law would be enforced would hasten and confirm the adoption of those general principles of international jurisprudence concerning which there has been a general consensus of opinion in the past and upon which the decisions and awards of the courts would be founded in the future. Moreover, the broad intention underlying Article 19 of the Covenant and its gradual expansion would no longer be regarded as an academic problem, and States-members would be compelled ere long to seek a practical solution.

The foregoing considerations indicate some of the difficulties which lie in the path of international reformers. It may not be possible to deal with them all simultaneously. If, however, the department of justice can be expanded so as to include all disputes within its purview, if the crime of aggression can be defined, and if an Executive capable of wielding the international sanction can be evolved, the reign of law will have been inaugurated and the old conception of war as an instrument of policy will have disappeared. Thereafter time and experience will ultimately provide the commonwealth with its legislative department and thus complete the fabric.

For the moment, however, the imperative necessity confronting mankind is not the passing of new laws, but the codification of existing practice; not the creation of a legislative assembly, but the expansion of judicial and arbitral courts; not the balancing of national interests, but the administration of justice; not disarmament, but the control of force by an international authority; not the establishment of a super-State, but the creation of a federal executive which can make the writ run. Faced with the prospect of complete annihilation if the present system is allowed to continue, it would be folly to reject these essential remedies because the discovery of others is still in abeyance or to render inoperative the departments of justice and sanctions because the legislative machinery is not yet completely evolved.

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[1] Compare the position in municipal law. See chap. IX, p. 343.

V

Importance of International Judiciary

EMPHASIS has been laid upon the functions to be exercised by the international courts of law and the necessity of applying a legal procedure so as to ensure that disputes between nations are decided on principles of justice and not on grounds of political expediency. It follows that States-members must be prepared to repose their confidence in the integrity and impartiality of the judges of the Permanent Court and the individuals selected to serve on the panel of arbitrators. It has been seen[1] that the latter should be chosen from amongst "persons who by their nationality, their personal character and their experience appear . . . . to furnish the highest guarantees of competence and impartiality."[2] The former represent the ablest legal talent in their respective countries.[3] Consequently, if States-members are prepared to accept their findings in the administration of municipal law, there appears to be no reason why they should not display the same confidence in their ability to administer the law of nations. It is true that municipal codes vary in different countries, and that the inauguration of an international legal system may involve a number of new and complicated problems. The proceedings of the Permanent Court, however, during the short period of its existence already show that these difficulties can be surmounted.[1] In the long run, if the claims of the judiciary are set at naught, the only alternative is "trial by battle."

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[1] Chap. II, p. 83.

[2] Protocol for the Pacific Settlement of International Disputes, Article 4 (2) (*b*).

[3] The Statute of the Permanent Court lays down that the judges must be (*a*) of high moral character, (*b*) eligible for appointment to the highest judicial offices in their respective countries, or jurists of recognised competence in international law. Moreover, the method of election ensures a high standard of merit in the members of the Court. The ordinary method of election necessitates nomination by a national panel of the Hague Court, followed by an absolute majority both in the Assembly and Council.

Let us assume that the legal system described above has been put into operation. The importance of the Executive in the domain of sanctions has now been reduced to relative proportions. As we have seen, it will be called upon to exercise its discretionary powers only in the event of a sudden act of aggression, when it will be responsible for branding the aggressor and setting in motion the international force.

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[1] In the case of the *Wimbledon* the Court, in 1927, in a dispute between the French and German Governments, considered the status of the Kiel Canal under Article 380 of the Treaty of Versailles, and held it to be an international waterway, the use of which by belligerent warships was not incompatible with German neutrality.—*Permanent Court Publications, Series A*, No. 1.

In March 1924 the Bulgarian and Greek Governments submitted to the Court a dispute which had arisen as to the interpretation of Article 179 of the Treaty of Neuilly. Judgment was given by a court of three judges sitting as a Chamber of Summary Procedure.—*Id.*, No. 3.

In the case of the *Lotus*, tried by the Court in 1927, a dispute which had arisen between the French and Turkish Governments as to jurisdiction in a maritime collision was submitted. The Court being equally divided, the President, M. Huber, gave his casting vote in favour of Turkey.—*Id.*, No. 9.

VI

Necessity for Prompt Action

OTHER duties may be entrusted to this body such, for instance, as those which now devolve upon the Council of the League,[1] but its power of initiative in the employment of the international force will be limited to repelling aggression. In this instance executive action must be taken promptly when the emergency arises.[2] The advantage of the offensive will always rest in the hands of the lawless State which has made up its mind to defy the authority. This State will rely upon two factors for the success of its enterprise: firstly, upon the suddenness of the attack and, secondly, upon the seeds of discord which it hopes to sow within the ranks of the international authority. The onslaught of the Central Powers in 1914 was characterised by the importance they attached to these two considerations.[3] In any future encounter, when Force has been organised on the side of Justice, any hope of success on the part of a recalcitrant or aggressor State can only lie in the exploitation of these advantages. A declaration of war will be regarded as an anachronism.[1] The criminal's air squadrons will be mobilised secretly and his fleet will already have occupied its strategic positions.[2] Moreover, he will endeavour to paralyse the action of the Executive by seducing the loyalty of its members. The arts of bribery and intimidation may be used to exert pressure, especially upon the smaller and weaker States. These sinister influences operating in other departments of human affairs are not unknown in the sphere of international relationships.[3]

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[1] Among the functions of the League Council are the proposing of means for giving effect to the decisions of arbitral courts, the award of which is not being carried out, and the recommendation of the contributions of member-States to the armed forces to be used by the League against any member which breaks or disregards its covenants.—Sir G. Butler, *A Handbook to the League of Nations*, pp. 38–39.

[2] The importance of promptitude in action was clearly demonstrated in August 1914. "The fact that when we intervened we could do so with any timely effect was due to our having an Expeditionary Force ready and equipped to go abroad at a moment's notice. This was due to Haldane."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 46.

[3] "Our plan of war, which had been worked out before by Count Schlieffen, rested on the fundamental idea that a war on two fronts could most easily be brought to a victorious conclusion by attacking immediately with superior forces whichever of the opponents could most easily be completely overthrown. . . . France was the opponent easiest to overthrow completely. . . . Hence the first and heaviest blows ought to fall on France."—Erich Brandenburg, *From Bismarck to the World War*, p. 504.

It is clear that the authority should be safeguarded against these dangers, which may threaten its existence and the security of its States-members. It follows that the latter must have confidence in the ability of the Executive, not only to act instantaneously in warding off a sudden attack, but also to ensure that the disloyalty of any of its members will not prevent the employment of the international force. Unless this confidence exists, it will be impossible even to establish the force.

Thus the problem resolves itself into the composition of the Executive and the rules of procedure regulating its decisions.

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[1] Even in the past declarations of war have been far from universal. Sir Frederick Maurice has collected in *Hostilities without Declaration of War* 107 cases in the years from 1700 to 1870 in which hostilities have been commenced by European powers or the U.S.A. without declaration. In the same period less than ten instances occur in which formal declarations have preceded hostilities. In most wars since that date hostilities have been preceded by manifestoes, but the Russo-Japanese War, where belligerent operations preceded formal declaration by four days, is a noteworthy exception. Article 1 of the Third Hague Convention of 1907 provided that a "reasoned declaration," or ultimatum with conditional declaration, must precede hostilities.—W. E. Hall, *International Law*, 8th edition, pp. 451–2.

[2] It is clear that this hypothesis only refers to non-member States. In the case of States-members strategic positions will have been handed over to the authority.

[3] Italy and Rumania were induced to enter the War on the side of the Allies by promises of substantial accessions of territory contained in the secret treaties of London and Bucharest. See p. 181, note 1.

On March 12th, 1926, the Swedish Government announced that a Note had been presented by the Spanish Ambassador complaining of Sweden's attitude to Spain's claim for a permanent seat on the Council of the League and hinting at certain consequences to Sweden if the Spanish claim were not satisfied.—*The Times*, March 13th, 1926.

Firstly, the Executive should be composed of representatives who can assemble at the seat of the authority at a moment's notice, in order that decisions may be reached with the utmost expedition. The facilities of modern travel together with the swift transmission of messages and news surmount many of the obstacles which would have faced an international executive a few years ago. On the other hand, the same factors have made it possible for a criminal State to mobilise its forces with incredible rapidity. In these circumstances a delay of even a few hours might entail serious consequences. The difficulty of securing the prompt attendance of members may be overcome if each State-member represented on the Executive appointed a resident official or ambassador at the seat of the authority who was instructed to act for his national government. In any event, the need for this system is bound to make itself felt sooner or later. As the duties at present entrusted to the Council of the League become more onerous, each State-member represented on that body will probably find it necessary to appoint a resident representative at Geneva. This proposal does not mean that the Foreign Secretaries should cease to attend the meetings of the Council: on the contrary, they should be encouraged to do so. But in order to facilitate the transaction of routine business, to prevent the accumulation of arrears and to deal with special emergencies, the appointment of substitute members, already recognised and endorsed by the League,[1] offers a practical solution.

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[1] By Article 3 of the Covenant each State may send not more than three representatives to the Assembly. Substitute delegates, however, can be sent in unlimited numbers. Since the business of the Assembly is carried on in six large committees, the usual practice is to send to Geneva three substitute delegates in addition to the three delegates. A separate representative thus sits on each committee.—H. Wilson Harris, *What the League of Nations Is*, p. 22.

There is nothing new in this project. After the conclusion of peace, the Council of Ambassadors met regularly in Paris and transacted, on behalf of their governments, business of the gravest importance involving questions of peace and war.[1] Moreover, governments whose capitals are situated long distances from the seat of the League, such as Japan and China, appoint one or other of their European Ambassadors to represent them at meetings of the Council.

If the system of substitution was adopted and an international crisis suddenly supervened, the resident ambassadors, in constant communication with their governments, would represent the latter on the Executive until their respective diplomatic chiefs arrived upon the scene. Thus every State-member would feel assured that should it become the victim of a treacherous or sudden attack on the part of its neighbours the international force would be mobilised and despatched to its assistance with the utmost speed.

Secondly, the Executive should not be too large or unwieldy. It should be capable of conducting its business with promptitude and despatch. To transform it into a deliberative body would serve no useful end. It represents the brain and the driving force of the authority, stimulating and co-ordinating the activities of its various departments.

VII

Basis of Representation

THIRDLY, it follows that if the Executive is to be constituted on a businesslike and common-sense basis which will command the confidence of States-members, its membership should be restricted to those nations which can furnish proofs of their fitness to undertake the responsibility.

The moral leadership and prestige of the Executive should be safeguarded even at the risk of impinging upon the principle of equality in its application to the executive functions of the authority. That this principle must be qualified was recognised by the framers of the Covenant when they determined that the Council should consist of five Great Powers[1] and four smaller States. The simple truth is that all States have not yet reached the minimum standard of responsibility which membership of the Executive implies.[2] For instance, the status of Abyssinia and Haiti cannot be compared with the civilisations of Europe and North America.

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[1] In the autumn of 1923, for instance, they played a prominent part in the settlement of the Corfu dispute. See p. 519, note 2.

Moreover, if the constitution of the authority is to assume a democratic character, the factor of population cannot be excluded. No Great Power would be prepared to hand over its army, navy, air forces or chemical weapons to an international authority upon whose executive the representatives of Costa Rica or Albania are to exercise precisely the same functions as those of the Great Powers, such as the United States, France or Great Britain.[3] It would be absurd to suggest that small communities with populations of a few hundred thousand souls, such as Panama and Luxembourg, should be classified with States whose citizens are numbered in millions, and any scheme which seeks to impose administrative or executive equality on this basis is doomed to failure. On the other hand, the latter may be willing to share executive responsibility with those nations whose past history and present standards of culture entitle them to the respect and confidence of the commonwealth and whose populations are in excess of an agreed minimum.

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[1] The failure of the United States to ratify the Treaty of Versailles and consequently to become a member of the League automatically reduced the number of permanent seats to four. The subsequent admission of Germany to a permanent seat again brought the number to five.

[2] "No Power should be admitted into the first circle, that of the contracting powers, unless it was civilised, well-behaved and able to do its part in enforcing the decrees of the court."—Theodore Roosevelt, *Why America Should Join the Allies*, p. 47; *War Obviated*, p. 156.

[3] "Our list includes the British Empire, with a population of four hundred millions, of which probably half can read or write some language or other: Bogota with a population of a million, mostly poets: Haiti with a population of a million and a third, almost entirely illiterate and liable at any time to further political disruption: Andorra with a population of four or five thousand souls. The mere suggestion of equal representation between such 'powers' is enough to make the British Empire burst into a thousand (voting) fragments."—H. G. Wells, *In the Fourth Year*, pp. 7–8.

There is also another element to be taken into account, namely the internal stability of each State-member which aspires to representation on the Executive. For instance, the anarchic conditions which for so long have rendered China a prey to political factions and military adventurers totally unfit her at present to assume any share in the executive administration of the authority. Nations which are incapable of maintaining law and order within their own territories are clearly unqualified to assist the authority in its exercise of the police function, and until they have demonstrated conclusively their ability to put their own house in order they have no claim to be represented on the international executive.

VIII

" Barème " Formula

FOR the purpose, therefore, of constituting the Executive an attempt should be made to classify States-members in accordance with four main qualifications, namely their sacrifices to the cause of peace, their standards of civilisation, the size of their populations and their ability to govern. Such a classification will be difficult, if not impossible, to compile unless a reasonable formula can be devised which will remove the existing absurdities impeding the executive machinery of the League. These may be eliminated if it can be agreed that no State-member shall be represented on the Executive whose population does not reach a minimum figure, or whose annual contribution to the maintenance of the authority is less than a certain amount. The four qualifications to representation on the Executive enumerated above are reflected in the "barème" formula. Consequently, this formula may be regarded as the broad basis upon which the claims to representation should be assessed and the classification of States-members determined.

The arguments for the adoption of the "barème" formula are as follows:

Firstly, it measures, as we have seen[1] the sacrifices which each State-member makes at present to the cause of peace. These will be increased considerably when the international force has come into existence and its maintenance charges have been included in the budget of the authority. It is therefore not unreasonable to suggest that executive responsibility should bear some relation to the degree of sacrifice. It is clear that the more powerful States in surrendering the rights of ultra-sovereignty, the right to impose their will by force of arms, will make greater sacrifices, relatively, by handing over their weapons to the authority, than the small States participating in the scheme. Consequently, the former will be entitled to a larger measure of executive responsibility.

Secondly, as the "barème" has been designed to express the taxable capacity of a State-member, the size of its population is one of the ingredients which enters into the calculation. Assuming that other factors are equal, a large population will be reflected in the monetary contribution of the State-member.

Thirdly, the "barème" furnishes a rough-and-ready guide, imperfect it is true, to the varying degrees of civilisation attained by States-members. It cannot be regarded as an infallible index, but nevertheless, in default of a better test, it broadly represents the measurement of national progress. This formula has been designed to assess the factor of material prosperity which, in turn, indicates the probable existence of other attributes. As a rule men who are half-starved cannot develop their intellectual faculties, because they are constantly engaged in endeavouring to secure the means of subsistence. Similarly an impoverished nation cannot indulge in cultural pursuits, and this handicap will be reflected in its standard of civilisation. This does not mean that the acquisition of great wealth necessarily implies a high moral or intellectual development on the part of men or nations. On the contrary, in exceptional instances it may prove to be an unmitigated curse.[1] On the other hand, it is fair to assume that the possession of national wealth reflected in a relatively high contribution to the authority indicates a standard of living conducive to cultural development which fits a State-member to undertake a share of executive responsibility.

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[1] See chap. XI, pp. 407–408.

Fourthly, this formula has a bearing upon the qualification of ability to govern. If a State-member is seized with a fit of anarchy, it will probably cease for a time to pay its premium to the international insurance fund. For instance, the subscription of China to the League is seven years in arrear,[2] and its chaotic condition is reflected in the complete suspension of the working of the "barème" so far as that country is concerned.

IX

Executive Equality Not Essential

IT may be objected that under this formula executive power will be measured in terms of money, and that the rich States will possess an undue advantage over the poorer members of the international commonwealth.

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[1] "The mines of Brazil were the ruin of Portugal, as those of Mexico and Peru had been of Spain: all manufactures fell into insane contempt: ere long the English supplied the Portuguese not only with clothes, but with all merchandise, all commodities, even to salt fish and grain. After their gold the Portuguese abandoned their very soil: the vineyards of Oporto were finally bought by the English with Brazilian gold, which had only passed through Portugal to be spread throughout England."—Cited by Admiral Mahan, *Influence of Sea Power upon History*, p. 52.

[2] On September 1st, 1929, the Chinese subscription was 7,760,801 gold francs in arrear: *Records of Tenth Assembly; Minutes of Fourth Committee*, pp. 114–116. See also p. 483, note 2.

This advantage, however, they already exercise and exploit in various ways at the expense of their weaker neighbours which have no effective means of redress. It finds its practical expression in the piling up of colossal armaments at enormous cost. The richer the nation, the greater the armaments. Consequently, the poorer and weaker States will lose nothing by agreeing to a formula which, whilst lessening their executive responsibilities, gives them a guarantee of justice, security and peace. In the past the opulent States have deluded themselves into imagining that these treasures could be purchased like any other commodity, the price being represented in huge armies and navies, even at the risk of mutual annihilation when the final reckoning overtook them. It would have been much more reasonable and profitable if the Great Powers had invested their money in a joint concern in which the voting power of the shareholders corresponded to their holdings of stock and which possessed a board upon which no director could be appointed who did not possess a qualifying number of shares.

There is the further objection that the classification of States-members would impair their status of equality. As constituents of the international commonwealth, there are four spheres in which the question of equality enters into their mutual relationships, namely the judicial, the executive, the deliberative and the legislative. Theoretically, under the present system all States are equal in the eyes of the law (*de jure*), whereas in fact (*de facto*) the status of equality is non-existent. A powerful State may transgress the law of nations with impunity, whereas pressure is immediately brought to bear upon a weak State to fulfil its treaty obligations.[1] Italy was rewarded for the bombardment of Corfu by the payment of her claims against Greece,[2] whilst two years later, when the latter was guilty of a similar offence against Bulgaria, she was immediately summoned to appear before the Council of the League and was compelled, not only to desist from military action, but also to pay damages to her neighbour.[1] Poland was allowed to seize Vilna and retain its possession,[2] whilst Jugo-Slavia, threatened with a financial boycott, was induced

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[1] See chap. 1, p. 15.

[2] On August 27th, 1923, an Italian General and his Staff, engaged as representatives of the Conference of Ambassadors in fixing the Albanian

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frontier, were murdered on Greek soil. The Italian Government demanded apologies and reparations and, the Greek Government not meeting all the demands, occupied the island of Corfu. Greece appealed to the League, but expressed her willingness to accept any decision of the Conference of Ambassadors. The Council confined itself to discussing detailed suggestions and forwarding them to the Conference. The Ambassadors accepted these, but with an important modification on the question of reparation. With regard to this, they despatched an Allied committee of enquiry, and, on receipt of its report, which they withheld from publication, they awarded Italy the full amount of the reparation demanded. Corfu was then evacuated.—*E.B.*, 14th edition, Vol. XIII, pp. 837–838: League of Nations *Monthly Summary*, 1923, p. 212 *et seq.*

[1] On October 19th, 1925, shots were exchanged by Greek and Bulgarian sentries stationed on the frontier near Salonika. Three days later Greek troops occupied Bulgarian territory on a front of about 32 km. Bulgaria, by telegraph, requested the Secretary-General to convene a special meeting of the Council. The meeting was convened for October 26th. In the meantime a telegram was despatched to both Governments by the President of the Council calling on them to desist from hostilities. The telegrams were immediately effective, Greece abandoning a proposed attack on the Bulgarian town of Petrich. The Council met on the 26th and demanded evacuation within sixty hours, with an assurance within twenty-four hours that the necessary orders would be given. British, French and Italian attachés were sent to supervise the evacuation. These, on the 28th, summoned the commanders of the two nations before them, and gave them detailed instructions in the name of the League as to evacuation. Eight hours before the expiry of the time limit, the last Greek soldier had left Bulgarian soil. A commission of investigation was sent out on whose report the League in December ordered Greece to pay Bulgaria £45,000 in two months.—*E.B.*, 14th edition, Vol. XIII, p. 838; *Annual Register*, 1925, p. 206. *Monthly Summary*, 1925, p. 256 *et seq.*

[2] Vilna, the historic capital of Lithuania, occupied by the Russians in 1919, fell to Polish troops in that year. Lithuania having made peace with Russia, the Poles, faring badly, handed over the city to Lithuania in August 1920. On October 7th, the Poles recognised the Lithuanian occupation, but on the 9th General Zeligovski seized the city, which has remained in Polish occupation since. The League of Nations in 1921 made two suggestions towards securing an equitable settlement, neither of which was acceptable to the conflicting governments.—*E.B.*, 14th edition, Vol. XXIII, pp. 166–167.

to withdraw her armies from Albanian territory in 1921.[1]

This status of inequality will remain so long as the authority is incompetent to adjudicate upon all classes of disputes and is unable to enforce the decisions of its courts. When, however, its judicial and arbitral machinery covers the whole range of international disputes and it has been equipped with a reliable sanction, all States will enjoy a status of legal equality not only in theory, but also in practice. No longer will it be possible to discriminate between powerful and weak communities.

In municipal law the department of justice makes no distinction between the plutocrat and the poor, between the peer and the peasant. The individual person, whatever his social status may be, can secure redress, not only against other individuals, but even against the State itself. His Magna Carta or articles of association define the powers of his executive ; his courts and police produce a real equality of citizenship, which is only occasionally impaired by the frailties of human nature in the operation of the system.

Similarly, under the new international dispensation the equality of States in the eyes of the law will be transformed from a fiction into a reality which, apart from inevitable and exceptional miscarriages, will dispense justice impartially amongst the nations of the world.

Thus it will be observed that in the judicial sphere equality is attainable. The same is true of the deliberative function exercised by States-members of the commonwealth. At present all States are represented on the Assembly of the League. In the conduct of its business and in the methods of its procedure the principle of equality is rigidly adhered to. Small States may criticise the actions of their powerful neighbours ; freedom of speech and expression of opinion are accorded to every State-member. Each has the opportunity of putting forward its views on any subject or motion. Deliberative equality, the right to be represented and to be heard, carries with it valuable privileges in the proceedings of all popular assemblies, and it is a right which all States-members, irrespective of their size and influence, should always be entitled to exercise.

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[1] See p. 342, note 1.

It is, however, important to distinguish between equality of deliberation and equality in legislation. The latter presupposes the right of equality in voting power. This right, however, is inadmissible in international relationships for the reasons already adduced against the application of the same principle in the domain of executive responsibility. In the legislative sphere it has already been recognised as inapplicable to the needs and prevailing conditions under which the commonwealth has been established. The general rule of the unanimous vote as applied to the proceedings of the Assembly and Council of the League[1] only represents another way of expressing the right of each State-member to veto any proposal of which it disapproves.[2] Consequently, it has no bearing upon the vexed question of the allocation of voting power amongst States-members in their legislative capacity.

When the federal constitution of the authority has been completely elaborated it will be found possible to adjust the conflicting claims of States-members just as these have been successfully dealt with in the federal achievements of the past. Whatever the ultimate solution of this problem may be, it should not be allowed to stand in the way of the establishment of a working executive. When equality in the deliberative and judicial departments has been secured, the advantages accruing to all the members of the commonwealth, large and small, should not be dissipated by a failure to agree upon the composition of the Executive. The latter may be founded upon the principle of the classification of States which in turn, as we have seen, may be based upon the "barème" formula, unless another and more satisfactory one can be produced which will dispel the existing anomalies.[1]

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[1] See p. 197, note 1, for the exceptions to the general rule. In the case of the Council there is a further exception. The report of the Council in a dispute referred to it need not be assented to by the disputant States.

[2] In national affairs, of course, the rule of unanimity has long been abandoned. The classical instance of its failure is Poland, where a single Deputy in a Diet of 400 could stop all business. "The Polish Constitution with its liberum veto . . . was little more than anarchy indifferently organised."—A. Hassall, *The Balance of Power*, p. 19.

X

Classification of States-members

LET us assume that the majority of States-members are willing to agree to the process of classification. The status of the six Great Powers—the United States, Great Britain, France, Germany, Italy and Japan—has already been recognised, and these six States have been accorded permanent seats on the Council of the League.[2] There is no reason to suppose that a similar position would not be given to Russia when her people evince a desire to join the commonwealth and can furnish proofs of their loyalty to the cause of international justice. It follows that the first class may be composed of seven States, whilst under existing conditions it would probably include five, namely those powers which at present occupy permanent seats on the Council of the League.

At the other end of the scale there are the diminutive powers and backward communities such as Costa Rica, Haiti, Abyssinia, etc., the size of whose populations or the extent of whose contributions to the authority place them in the third class.[3] From time to time this class may be temporarily augmented by the addition of States-members whose contributions are in arrear owing to the chaotic conditions of their internal administrations. Their suspension from the exercise of executive responsibility would cease, however, when they had been able to re-establish domestic equilibrium and had paid the arrears of their contributions to the maintenance of the authority.

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[1] A list of the members of the League with their populations and unit contributions to the League's finances will be found in Appendix H.

[2] The fact that the United States has not accepted the seat accorded does not vitiate its recognition as a Great Power.

[3] It is suggested that this class comprise all States contributing five units or less to the international finances. See Appendices H and J.

There remain a number of States-members which fall into an intermediary position and may be described as the second class. To the latter would be allocated a number of seats on the Executive which should not exceed the number of permanent seats. The distribution of these seats might be arranged in different ways. For instance, the class might elect their representatives to serve for a period of years, the voting power of each State-member in the class being assessed on the "barème" formula.[1] Further, those States who retired at the expiration of the period might be regarded as ineligible for re-election during the subsequent term.

Alternatively, a system of rotation might be agreed to which would enable each State to be represented on the Executive over a period of years.[2]

As an alternative to "class representation," it might be found practicable to divide the class into a number of groups, each group being entitled to one representative on the Executive. If the groups appointed their members in rotation, such a system would enable each State-member to take its share of executive responsibility. States-members might be grouped in accordance with their status as disclosed by the "barème." Consequently, this system would involve a further classification of those States-members included in Class 2. The number of States in each group would differ according to their importance, the larger States being included in small groups and the smaller States in large groups.[3] It follows that the periods during which members of each group held office would vary in proportion to the number of States-members assigned to each group. For instance, a State-member in a group of three might serve on the Executive for five years, whilst in a group of five its period of service would be limited to three. Applying the system of rotation, every State-member in both groups would thus have been represented on the Executive at the expiration of fifteen years.

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[1] See Appendix J (i).

[2] See Appendix J (ii).

[3] See Appendix J (iii).

The grouping of States-members in Class 2 in accordance with their geographical distribution,[1] in order that all parts of the world may be represented on the Executive, does not appear to be feasible. It might be applied to Europe and South America, but in the cases of Africa, Asia and North America it would break down. The Western, Northern and Eastern European groups might be arranged, whilst the States-members in South America would probably be divided into two groups. On the other hand, Canada, China, India, South Africa, Australia and New Zealand would still be groupless. Geographical considerations, however, do not appear to enter into the composition of the Executive, inasmuch as all States will be able to exercise an indirect influence upon its activities through the medium of the deliberative assembly.

XI

Size of the Executive

LET us assume that the composition of the Executive has been agreed to and that it consists of five or seven representatives of the Great Powers with an equal number drawn from those States included in Class 2. It may be found expedient to allocate one representative to Class 3, provided that the procedure of the Executive is not governed by the rule of unanimity. Consequently, this body will consist of a maximum of fifteen members or a minimum of ten. The latter figure is based on the assumption that both the United States and Russia remain outside for the time being, and that the inclusion of Class 3 is unwarranted. Fifteen members may be considered to be an excessive number, but as they may be called upon to take decisions of vital importance from time to time it is difficult to see how it can be reduced. Moreover, a body whose personnel was unduly restricted might not command the complete confidence of States-members. On the other hand, an objection may be raised to an Executive of ten on the ground that it is too small to be entrusted with functions of such magnitude, and that it is not sufficiently representative of all the interests involved. It must be remembered, however, that the Executive is not a deliberative body, and that if it becomes unwieldy its efficiency may be impaired. Moreover, the Council with executive powers created by the framers of the original Covenant consisted of nine members, but during the first three years of its existence was restricted to eight by the abstention of the United States.

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[1] Cf. the proposals of General Smuts: D. H. Miller, *The Drafting of the Covenant*, Vol. II, p. 42.

XII

Unanimity

WE have seen[1] that the functions of the Executive laid down in the articles of association have been prescribed in its relation to the judiciary, and that with one exception it possesses no power of initiative in the employment of the international force. This exception refers to a sudden act of aggression. It has also been pointed out that in cases of this kind prompt action is imperative. Hence it follows that the rule of unanimity or the right of veto, one of the last remaining bulwarks of ultra-sovereignty, must go by the board. Any Executive whose decisions are to be strained through the sieve of the unanimous vote is foredoomed to impotence. The beast bearing the burden of sanctions will be hamstrung before it sets out on its journey. The Executive will become the tool of the most corrupt and unscrupulous of its members. Its strength and character can only be measured by the weakest link in the chain. The aggressor nation, seeking to paralyse the preparations and movements of the international force, would endeavour to detach States-members from their allegiance to the international authority. The execution of this nefarious plan would, indeed, be simplified if the vote of one State-member represented on the Executive could bring the whole machinery of sanctions to a standstill. Such a procedure could never be tolerated, and no State-member would be willing to risk its security by agreeing to it for a moment.

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[1] P. 504 *et seq.*

Thus it is clear that the unanimous vote will find no place in the procedure of an international executive when it is called upon to set in motion the arm of the law. Whatever may be the merits of the veto as applied in other spheres of international relationships, its aid can never be invoked to enforce the decisions of the courts or to repel an act of aggression.

The alternative is a simple one which has stood the test of experience in every civilised community. The decisions of the executives of States-members are reached by a majority vote. In practice it is seldom that any vote is taken, because it is unnecessary to do so. At the end of the discussion, when all the facts have been elucidated, a unanimous decision can generally be reached, but the knowledge that a majority will carry the day if a vote is pressed deters those members who may be actuated by disloyal motives from exposing their intentions. It is clear, therefore, that the rule which nations apply to the executives of their national governments may also be adopted by the commonwealth of States. The international executive cannot be established, nor can it function effectively unless it possesses the confidence of States-members. This confidence can only be expressed in their willingness to acquiesce in the rule of a majority vote. It may be considered that a simple majority is not a sufficient safeguard against rash and premature decisions. In any case, a two-thirds majority is sufficient to counter this danger without imperilling the execution of sanctions or paralysing the powers of the Executive.

XIII

Conclusion

THE framers of federal constitutions have jealously sought to impose checks upon the Executive in order to safeguard the interests of the sovereign States.[1] For instance, the constitution of the United States was designed to curtail the powers of the Executive within certain limits.[2] The same principle has been applied to the legislature and judiciary. It was intended that the powers exercised by all these departments of State should balance one another and thus produce a condition of equilibrium, conducive to the liberty of the subject, no less than to the rights of the federated States.[3] The Australian federal constitution also lays down a line of division between the executive, legislative and judicial authorities.

It is also intended that the powers of the international executive should be restricted within the limits defined by the articles of association. These constitute the first check because they set forth the duties of the

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[1] "When . . . the constitution of the German Empire in 1871 empowers the Emperor to enforce the unity of the Empire, this authority is carefully confined to the rights and liabilities contained in the same."—Van Vollenhoven, *War Obviated*, p. 17.

[2] "The founders of the American Constitution . . . were terribly afraid of a strong Executive, and desired to reserve the final and decisive voice to the legislature, as representing the people."—Bryce, *The American Commonwealth*, Vol. I, p. 222.

[3] "Montesquieu . . . had taken the Constitution of England as his model system, and had ascribed its merits to the division of legislative, executive and judicial functions which he discovered in it, and to the system of checks and balances whereby its equilibrium seemed to be preserved. No general principle of politics laid such hold on the constitution-makers and statesmen of America as the dogma that the separation of these three functions is essential to freedom."—*Id.*, Vol. I, pp. 29–30.

Executive and regulate its relationship to the judiciary and the police. The second check is to be found in the independence of the courts.[1] The department of justice is concerned to protect the rights of States-members against any encroachments on the part of the Executive. If the latter has been guilty of an act which is *ultra vires*, redress may be obtained by means of an application to the courts. The third check consists of the indirect pressure exerted by the deliberative assembly. It is true that the Executive is not directly responsible to this body any more than the President and cabinet of the United States are responsible to Congress. In neither case can the executives be dismissed from office by a vote of no-confidence passed by the deliberative assembly. The latter may, however, criticise the actions of their executives and focus public opinion upon their behaviour. If any State-member has a grievance or considers that it has been unfairly dealt with, it can arraign the Executive before the bar of public opinion at the next meeting of the Assembly. All States-members, whatever their classification may be, will be represented on this body—in their deliberative capacity they are all equal—and each will have an opportunity of exerting moral as well as legal pressure upon the executive department. The fourth check is inherent in the composition of the Executive itself. The mutual rivalries of the Great Powers are a sufficient guarantee that it will not be used to further the interests of any powerful State or group. The concentration of force in the hands of the authority will produce the condition of equilibrium vainly sought for in the Balance of Power. The existence of national rivalries will prevent the Executive from ever developing into a tyrannical junta. Moreover, the less powerful States, assured of a security which they have never hitherto enjoyed, will oppose any attempt at coercion which constitutes a breach of the articles of association. Thus the diverse elements of which the Executive is composed become an additional safeguard against the abuse of its powers.

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[1] "The Fathers of the Constitution were extremely anxious to secure the independence of their judiciary, regarding it as a bulwark both for the people and for the States against aggressions of either Congress or the President."—*Id.*, p. 229.

It will, therefore, be seen that the difficulties in the way of establishing an executive capable of operating the machinery of sanctions are not insuperable. And since it is possible to constitute an international executive possessing the confidence of States-members, the creation of an international force also becomes a practical proposition. No longer can it be argued that the absence of an executive renders the latter an impossibility. If the nations are determined to secure justice and peace, both are within their grasp. Let them re-cast their Magna Carta and, amending their Covenant, bring into existence a triple entente—the judiciary, the international police and the Executive.

CHAPTER XIV

THE PRACTICABILITY OF THE SCHEME

> " I am persuaded that it is not impossible to find out means sufficient and practicable to settle an everlasting peace among Christians, and even believe that the means which I have thought of are of that nature."—SAINT-PIERRE.

I

Acceptability

THE question of the practicability of the international force may be regarded from two distinct and separate standpoints, namely, its acceptability and its feasibility. Can it be entered for the Political Stakes, and can it run the International Course?

The first, acceptability, or its adoption by public opinion, is the concern of the peoples, mainly of those democratic communities which have already sworn their allegiance to the League. It may be held that under existing conditions the idea of an international police is a chimera, an ideal, which may be realised in the course of centuries; the prelude to the millennium which has no place in the practical politics of the twentieth century. It may be contended that racial differences are too strong, that "self-seeking propensities" are too deep-rooted, and that national sovereignties are too jealous ever to allow themselves to be coerced by an international agency. Consequently, it is argued that any scheme of this kind lies beyond the vision of the practical politician, and that it is no concern of this generation. If nations cannot agree to disarm, how can they contemplate the establishment of an international force? If they have rejected the 1924 Protocol, how can they be expected to discuss a still more "drastic pooling of sovereignty?" Popular passions, prejudices and traditions stand in the path, mental apathy and vested interests bar the way.

Reformers of every generation have been confronted with similar arguments. Public opinion looked askance at their schemes and ridiculed their ideas. But the anti-slavery campaign triumphed in the teeth of violent opposition. Wilberforce and his colleagues won the charter of emancipation. Only a century has elapsed since Robert Owen advocated the creation of an international labour office.[1] His ideas, regarded as visionary at the time, found practical realisation in the factory legislation of every country and the spread of the Co-operative movement.

National policies undergo sudden or gradual transformations. The colonies, popularly regarded in the past as appendages of the mother country, have now been accorded a status of equality.[2] Overseas territories and dependencies, hitherto considered as reservoirs of wealth, are now described as objects of trusteeship. The Hague Conference, a product of the nineteenth-century peace movement, derided at the time as an organisation of cranks, has now blossomed forth into the League of Nations, whose appearance would have been ridiculed twenty years ago. Other instances might be cited. "The rushing flood of conviction"[3] sweeps aside every obstacle when it has been aroused to the vital necessity of change. Public opinion will soon realise that the policy of negative disarmament has failed. Public opinion never had an opportunity of pronouncing its verdict on the Protocol.[1] Party politics in Great Britain contrived to bring about its overthrow. It shared the fate meted out to the Covenant in America. Had these Magna Cartas been submitted by referendum to the judgment of the electors at the time, the results might have been different.

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[1] Memorial to the Allied Powers assembled in congress at Aix-la-Chapelle, October 22nd, 1818, p. 26.

[2] "The Crown must submit to the necessary consequences of representative institutions: and if it has to carry on the Government in unison with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence."—Lord Durham's Report on the Affairs of British North America, June 31st, 1839, p. 100. The logical conclusion of Lord Durham's far-seeing statesmanship is contained in the Report of the Inter-Imperial Relations Committee of the 1926 Imperial Conference. "The Dominions are autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs."—Cmd. 2768 of 1926, p. 14.

[3] Van Vollenhoven in *War Obviated*, p. 36.

In any case, public opinion, swaying backwards and forwards, influenced by formulas and creeds, has its moments of sanity when the still, small voice of reason is able to make itself heard. As we have seen,[2] the American Senate once passed a resolution recommending the creation of an international navy. Public opinion in the United States may once more swing round to the policy of Roosevelt. Public opinion is not always governed by passion and prejudice. The " self-seeking propensity " may be persuaded by reason to seek its salvation in the fusion of force for the government of the world. The subtle influence of public opinion pervades the atmosphere of cabinets and parliaments. If the public mind, seized with the importance of a policy which it cannot fail to understand—the right use of force in the performance of the police function—and urged by the fear of a new and more devastating struggle, is determined to secure peace, the door of practicability will be opened. If a new mentality can be produced by intensive propaganda and education, political parties may arise which are prepared to emblazon " I.P.F." on their banners. If politicians are convinced of its necessity and feasibility, ways and means will not be wanting of converting it into a popular appeal, because it is based on principles which the public can appreciate. The policeman is a personality known to the members of every community. When the inevitability of his appearance in an international uniform has been clearly demonstrated, public opinion may demand the enrolment of the international police far sooner than most people imagine to-day.

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[1] See chap. I, p. 47.

[2] See chap. II, p. 101.

As we have seen,[1] France has already agreed to the principle of an international force. America has toyed with it. Germany, now that she is disarmed, may regard it from a new angle. Great Britain, hitherto obdurate, may soon be convinced that her fleet, pitted against the squadrons of the air, is no longer able to provide the security essential to her existence. Japan cannot afford to cut herself entirely adrift from Europe. Italy cannot contemplate a status of isolation for ever. The compelling force of circumstances will drive each member of the flock into the international fold.

This form of compulsion, cloaked in the garb of voluntary assent, will guarantee the element of permanence. An international system founded exclusively on coercion, where the dictates of morality and reason are completely overshadowed by the exercise of force, contains the seeds of disintegration. The fate of every treaty concluded at the end of a war is evidence of this truth. If Germany had voluntarily disarmed herself, she might remain indefinitely in that condition. As, however, she was forced to do so by external compulsion, she will only refrain from re-arming herself so long as the pressure lasts.[2] As soon as the coast is clear, she will probably revert to her pre-war programme.[3]

The establishment of the international police force through a process of education, culminating eventually in an act of voluntary assent, may be more difficult of achievement than a policy of disarmament imposed upon a vanquished foe, but its permanence will be assured. It will rest upon the solid foundation of world opinion, which will have been formed out of the inexorable logic of facts.

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[1] Chap. III, p. 127, and Appendix E.

[2] " Either the other nations must disarm to the same degree as Germany or Germany must be allowed to readjust her armaments."—*The Times*' exposition of the German view of armaments, January 9th, 1926. See further, p. 605, note 4.

[3] The most important consequence of the naval limitations imposed on Germany by Part V of the Treaty of Versailles has been the introduction of the " pocket battleship." See p. 605, note 5.

It is impossible to predict how long the educational process may take. Nations may elect to undergo a further series of "bloody sweats"[1] before they take the plunge. When they have accepted the principle and demanded its practical application the feasibility of the scheme will then be tested.

It follows that acceptability is the first stage of the journey. Politicians, however, will not direct their footsteps along this road until they are convinced that acceptability and feasibility can both be combined into a reality expressed in the form of an international police.

II

Contingent Reforms

IN the foregoing chapters an attempt has been made to outline a scheme for the creation of an international force. We have also seen that its advent should coincide with other changes in the articles of association and the organisation of the international authority. The judicial and arbitral machine must be capable of dealing with every dispute. Aggression must be defined in the articles of association. The executive must possess the confidence of the members of the confederation. Unless these reforms can be introduced simultaneously or in advance, the international force cannot be regarded as a practical proposition. They represent the absolute minima without which no police force can effectively function. If it is agreed that in the next world war civilisation will be completely submerged, these changes cannot be described as an exorbitant price for deliverance.

It may be contended, however, that the legislative function has been omitted from this category, that its inclusion is essential and that the transference of national armaments to the international authority will stabilise the *status quo*, thus perpetuating obvious injustices which otherwise would be removed. It is clear, however, that under existing conditions when the judicial and deliberative resources of the League[1] have been exhausted the only method of removal is the resort to war. Further, it is admitted that this procedure never has and never will rid the world of injustice and oppression. Consequently, we are driven to seek an alternative which, though it may not be perfect, nevertheless will create the conditions out of which a just and righteous international system may arise. These conditions are reflected in the minima. If the establishment of the League is regarded as the first stage, the provision of the minima represents the second. If the member-States can be induced to apply the mandate system to all dependencies and overseas territories,[2] thus making effective the policy of the open door, another stage will have been covered. Finally, the sovereignties, having committed themselves so far, will be compelled to transform their deliberative assembly into a legislative body. Thus the fourth stage will have been completed.

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[1] See p. 488, note 3.

But the desperate need of mankind at the moment is the dispensation of justice and the suppression of war. As we have seen, these cannot be obtained without security. A man may have spent the summer in a tent. Faced with the approaching storms of winter, he has erected a one-storey building. It would be idle to suggest to him that he should postpone putting on the roof until he had amassed sufficient capital to complete the two remaining storeys. Similarly, the complete codification of international law and the creation of the legislative machinery are not essential preliminaries to the provision of sanctions. If mankind chooses to take these hurdles also in its stride, the sooner will it reach the ultimate goal.[1]

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[1] The insufficiency of these "judicial and deliberative resources" in the modification of treaties which have become inapplicable is shown in chap. I, p. 21 *et seq.*

[2] See chap. XV, p. 590.

Hence it follows that the first condition of practicability is the provision of the minima—judicial and arbitral procedure embracing every dispute, the definition of aggression and an effective executive.

III

Minimum Membership

ANOTHER consideration enters into the domain of practicability; how many and which particular States must be included in the plan to ensure its feasibility? Is it necessary that every community should be embraced within the circle of the international authority? It is clear that if an agreement could be reached between the seven Great Powers—the United States, France, Great Britain, Germany, Japan, Italy and Russia—the future of the international police would be assured and the peace of the world would be guaranteed. Regarded solely from the standpoint of practicability, the smaller States, backward nations and semi-civilised communities may be left out of account.[2] Even if they refused to become associated with the authority, the international force could function effectively, provided that it was established by the joint action of the Great Powers. International justice could be enforced and disarmament would be accomplished. It is not intended to disparage the influence and prestige of the smaller nations. On the contrary, they should be included in the scheme. In many respects their co-operation will be of the greatest importance, especially in allaying the rivalries and adjudicating upon the disputes of their more powerful brethren. But whereas their participation in the creation of sanctions is not essential, that of the Great Powers is indispensable.

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[1] "It would be most dangerous to let the establishment of an international police precede codification, but it does not follow that this force need wait till such codification will be complete, fifty or eighty or a hundred years hence. The practical and sensible course is to place each chapter of international law, once its codification is an accomplished fact, under the care of a tribunal on the one hand and an executive on the other."—Van Vollenhoven in *War Obviated*, p. 66. See further p. 53, note 1.

[2] "The preservation of the world peace rests with the Great Powers and with the Great Powers alone. If they have the will for peace, it is peace. If they have not, it is conflict."—H. G. Wells, *In the Fourth Year*, p. 10.

In the world as it is to-day an understanding between all the Great Powers is highly improbable: it may not come within the sphere of practical politics. It may be doubted whether an agreement could ever be reached which simultaneously brought them all into the international enclosure. It cannot be expected that the national mentalities will all be attuned at precisely the same moment. The demand for security in one State may be counter-balanced by the obsession of ultra-sovereignty in another. The desire for peace in one quarter may be neutralised by a chauvinistic appetite in another. But, as public opinion revolves around the circle of conflicting policies, there may arrive at any moment the psychological opportunity when the nation will clamour to be led out of the jungle.

Thus it follows that the international sanction may be consummated only in stages as the mentality and moral outlook of nations, influenced by necessity, reaches the point when governments are willing to surrender the right of making war upon their neighbours. Consequently, we are faced with the problem of determining the minimum number of States whose co-operation is necessary before an international force can be inaugurated. This, in turn, resolves itself into the grouping of the Great Powers; those which are prepared to quit the international jungle and those which prefer to remain inside.

Throughout the discussion in these pages there has been a tacit and implied suggestion that States-members described as paying allegiance to the international authority are at present members of the League of

Nations. These States, therefore, took the first step when they appended their signatures to the Covenant of Peace. During the short space of ten years they have been associated in the task of preventing war, and in other spheres of political and humanitarian activity. To this limited extent they have already discovered a common interest. It is suggested that they should strengthen the existing bonds by introducing the reign of law which would follow the establishment of an international force. This means the inclusion of the Great Powers which have already joined the League: France, Great Britain, Japan, Italy and Germany. Of these five Powers, it is essential that three of them—Great Britain, Germany and Japan—should be persuaded to join in the undertaking. If these countries were able to reach an agreement, France, even if she wished, could scarcely afford to remain outside. She could never hope to compete against the joint international force, and a policy based on competitive armaments would be futile. On the contrary, France, the protagonist of international sanctions, would welcome the proposal. If she was enrolled as a member, Italy could not remain in complete isolation as the only Power in Europe in competition with the confederation. Thus all the Great Powers represented on the Council of the League would have joined to establish the international force. We may, therefore, assume that their combined strength probably represents the minimum requirements of the international authority.

On the other hand, if the project was launched without the support of Germany, she might be driven into the arms of Russia. If Great Britain was left out, she might have recourse to an alliance with the United States. If Japan was omitted, we should be confronted with a United States of Europe, which alone could never undertake the responsibility of policing the world. Japan, the representative of the Far East, cannot be left out of the reckoning.

Under this arrangement, the United States and Russia would remain outside until they elected to join the commonwealth and were prepared to give pledges for their good behaviour.

We may assume that if the five Great Powers could reach an agreement, the majority of the smaller States already included in the League would also join in the enterprise. It is possible, however, that a number of the latter might be content to reap the indirect advantages of an international force without sharing the responsibility and cost of its maintenance.

Thus the new confederation would probably consist of twenty, thirty or forty States. It may even include the fifty-four members of the League. It follows that it could not be regarded as an alliance directed against the United States or Russia. By no stretch of imagination could the articles of association inaugurating the reign of international law and defining the constitution of the authority be regarded in the same category as a treaty of alliance of the old type. It would be grotesque to describe as an alliance an international authority whose claim as the dispenser of justice had been recognised by the majority of civilised nations, even though the United States was not a party to the pact. Moreover, an alliance usually denotes an arrangement between members of one group against another group. The United States and Russia are ill-assorted bedfellows. Neither morally, intellectually nor materially do they possess anything in common. The country of Washington, Lincoln, Roosevelt and Wilson is almost completely divorced from the home of Czardom, whether the latter is represented by a Romanoff or a Lenin. It follows that the international authority is unlikely to be confronted with a combination or alliance of the two most powerful States outside its jurisdiction. And, since it invites their co-operation and its actions are not dictated by fear, its States-members cannot be charged with introducing a provocative policy.

The potential strength of the new confederation, whether measured in terms of moral prestige, standard of civilisation, population, armaments or material resources, would be unassailable. The size of its combined fleet in comparison with those of the outside States would approximate to the ratio of 11·5 to 5, whilst its command of money and raw materials would guarantee its immunity from all extraneous pressure.

We may, therefore, conclude that the international force cannot be regarded as a world-policing agency unless it is supported by the Great Powers which have already become members of the League.

The conception of a united Europe may offer many attractions, but it can never become a substitute for an international authority. It is even conceivable that it might accelerate the race for naval supremacy between Europe and America. Canada and Australia might then throw in their lot with the United States. On the other hand, if Great Britain became "merged"[1] with the great republic, a new and precarious balance of power might be created. Europe, Russia and Japan, faced with the menace of Anglo-Saxon domination, might be drawn together in a defensive alliance. The race for hegemony, manifesting itself in bloated armaments and gigantic air fleets, would be resumed on a vaster and more costly scale. Then the avalanche of violence, suddenly let loose and pouring across the world, would engulf civilisation in the welter of its final and inevitable doom.

These speculations may be idle. They only serve to point out some of the possibilities and dangers which lie ahead. Nations can choose between the system of alliances and the reign of law. So long as they insist upon retaining their own armaments they will be driven to form alliances. An international force is the only antidote. Since the war, regrouping arrangements have been merely tentative. They have been restricted by the influence of the League and the Pact of Locarno.

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[1] Cf. G. B. Shaw, *The Applecart.*

But the rejection of the Protocol and repeated failures to achieve a general scheme of disarmament have put back the hands of the international clock. The search for security will be renewed in other directions. It may end in developments which at present are only dimly discerned. Consequently, the time has arrived when those nations which are determined to find security, no less than to live at peace, must bend their energies to bring about the conversion of Germany, Japan and Great Britain. Let France display her sincerity and good faith by becoming the sponsor of the scheme. Thus will she demonstrate to the world her willingness to abandon the proud but illusory position of military leadership in return for the new security which an international force will provide. This policy represents the minimum. If it can be achieved, the era of practicability will be at hand.

IV

Feasibility

WE now come to the question of feasibility—the possibility of organising the international force, and its ability to perform the tasks allotted to it. Practicability in this sense has nothing to do with public opinion. It may be assumed that the principles underlying the scheme have been endorsed by the participating nations. The question that still remains is whether these principles can be transformed into a concrete organisation which is capable of policing the world.

We have already considered the structure of the international force.[1] Resting on the principle of the differentiation of weapons,[2] it has been divided into two parts; the national police or quotas and the international police or specialised force. The former are controlled and maintained by their respective governments, whilst the latter is administered directly by the authority. That such an organisation can be brought into existence is proved by the experience of the war. It is true that no international authority existed in those days, nor was the principle of differentiation applied to the military establishments of the Allies. Nevertheless, after many vicissitudes, the operations of the Allied Armies were co-ordinated under one supreme command. Marshal Foch assumed the position of "High Constable," and directed the movements of the forces on land. An Allied War Council, acting in an executive capacity, co-ordinated the naval and military strategy. It supervised the activities of the War Departments. Inter-Allied Commissions were set up to deal with the innumerable problems which required joint action. Transport, munitions, food supply, shipping and other matters were dealt with on a co-operative basis. The wheels did not always run smoothly, but as the new organisation had been hastily improvised it is astonishing that it worked as well as it did. Had it been brought into existence on a peace footing years before the war, it would have functioned much more expeditiously.

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[1] See chaps. x, xi and xii.

[2] See chap. viii.

Consequently, there is no reason to suppose that an international force organised on similar lines would not be able to discharge its duties efficiently. The policy of differentiation was not applied until hostilities had ended, when in a negative sense it was employed to disarm the Central Powers.[1] Marshals Foch and Wilson did not hesitate to use it. They realised that it was the most effective method of reducing the most warlike nation in Europe to a condition of military impotence. And what would it have availed Germany, when the sword of differentiation had destroyed the equipment of her army, if the Kaiser, emulating the feat of Napoleon and acclaimed as the deliverer of his people, had suddenly returned from his retreat in Holland? Even if every soldier in Germany had rushed to join his standard, the enterprise could only have ended in disaster. Aeroplanes, tanks, submarines, artillery, gas projectors, armament machinery and other warlike impedimenta had been relegated to the scrap-heap.[1] The practicability of differentiation was thus demonstrated on the grand scale. Had these weapons been removed to the bases of the international police, its positive application would have been equally apparent.

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[1] See chap. VIII, p. 335.

The headquarters, continental and unit bases have already been suggested.[2] Centres of mobilisation can also be selected. The movements of the force can be timed with accuracy, and its mobility, guaranteed by the international fleet and air force, can be assessed. If it was possible to assemble the British Expeditionary Force on the battlefield within a few days of the outbreak of hostilities, similar feats may be accomplished by the quotas of the international force.

Thus we may infer that when States-members have signified their willingness to embark upon this project, the organisation of the international police becomes a feasible proposition, and the policy of differentiation can be carried out even more thoroughly than it was at the conclusion of the war.

V

Unpremeditated Attack

CAN the international force furnish the new security which nations demand as the price of their armaments? It has already been shown[3] that its superiority over the forces controlled by individual States-members will be assured when the transfer of modern armaments to the authority has been consummated. Under normal conditions the authority will be able to hold the lawless or defaulting State-member in awe. War is a product of the national mentality.[1] It may arise from an outburst of passion or enthusiasm which for the moment sweeps a nation off its feet and causes it to surge across the frontiers. Such, for example, were the wars of Revolutionary France. Unpremeditated attacks of this description should easily be held in check by the international force. The armies of the aggressor would be confined to his quota of national police, together with any hastily improvised detachments which could be collected. A number of commercial aeroplanes might be adapted for military purposes, whilst an attempt might be made to improvise a poison gas service. From the outset, however, the nation which had temporarily lost its sanity would conduct its aggressive operations under an overwhelming handicap. Without a navy; destitute of fighting 'planes, super-artillery, tanks[2] or poison gas apparatus; its warriors, whether infuriated by passion or impelled by fanaticism, would speedily be thrust back behind their frontiers. In a case of this kind the quota of the nation attacked, aided by the international police, would probably be able to deal with the outbreak without having to call upon other States-members for the assistance of their quotas.

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[1] "Arms, munitions and war material, including anti-aircraft material, existing in Germany in excess of the quantities allowed must be surrendered to the Governments of the Principal Allied and Associated Powers to be rendered useless."—Article 169, Treaty of Versailles.

[2] See chap. XII, p. 460 *et seq.*

[3] See chap. VIII, p. 333.

VI

Premeditated Aggression

WE come next to the case of a premeditated attack on the part of a State-member.[3] Let us assume that it has quarrelled with the authority or that it has vowed vengeance upon one of its neighbours. It is clear that any hostile action taken on the spur of the moment would share the fate which has just been described. If there is to be the slightest chance of success, the criminally-minded State-member must reconstruct its armaments and increase the size of its quota. It may elect to take this desperate course surreptitiously or openly. Under the articles of association, States-members are bound to give ten years' notice of their intention to sever their relationship with the international authority. If they endeavour to arm themselves secretly before this period has expired, they render themselves liable to serious penalties.[1] The construction of warships, heavy artillery and tanks cannot be undertaken without certain risk of detection.[2] Their bulk and the time taken in their construction preclude secrecy of manufacture on a large scale. Their personnel must undergo a long and intensive period of training. The cost must be paid by the national exchequers after having been voted by their parliaments. In these circumstances it is difficult to imagine how the intelligence department of the authority, represented by its military and naval attachés, could be hoodwinked.

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[1] See chap. XXII, p. 683.

[2] "It is in fact a complete illusion to think that an engineering industry can be magically transformed into an immense munition plant, producing in a few days or weeks finished products ready for the field. This cannot happen even if the necessary specialised machinery exists; if it, too, has first to be produced, the inevitable delay becomes of course longer, but in any case it is a lengthy period of time."—Baker, *Disarmament*, p. 314.

[3] "When we ask how theory and practice alike view the wars of to-day, we find, I believe, 99 out of every 100 wars regarded as the effect of cool military and diplomatic calculation, having nothing in common with explosions and natural phenomena."—Van Vollenhoven in *War Obviated*, p. 68.

In the cases of aeroplanes and poison gas attempts at secret manufacture may offer greater chances of success.[3] Fighting 'planes, however, would have to be constructed in large numbers, and their pilots specially trained. Aerodromes would have to be erected in remote and isolated localities. The appearance of the new war 'plane amongst the commercial vehicles would resemble the arrival of a hawk amongst the pigeons. Moreover, bombs and ammunition would have to be manufactured on a large scale. It is true that chemical factories might be able to turn out quantities of poison gas surreptitiously. On the other hand, the personnel of the gas service would have to be recruited and trained in the use of gas-projecting apparatus, which would also have to be produced.[1]

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[1] See chap. XII, pp. 493–494.

[2] Cf. Baker, *Disarmament*, p. 311.

[3] Cf. Lefebure, *The Riddle of the Rhine*, pp. 168, 254.

It is safe to say that in no democratic country where the right of free speech is exercised in Parliament would a policy of secrecy be possible. The ardent friends of the authority would denounce it publicly. Even under a dictator it is hardly conceivable. No government, however despotic, would care to run the risk of failure, exposure and punishment.

Hence it follows that if a nation was determined to go to war it would be compelled to act openly. It would first of all conform with the articles of association, and would tender its statutory notice of withdrawal to the authority. At the conclusion of ten years it would be free to re-arm itself if it was still minded to embark upon this hazardous course. Under these conditions the authority would be forewarned: it could not become the victim of a sudden attack. There would be time to consider the policy to be adopted and to make preparations for the emergency.

VII

Protective Rôle

IN the case of non-member States it has been pointed out[2] that the size of the international force must be fixed at a relatively higher standard in order that it may possess a sufficient margin of superiority over the forces of any single outside State or any probable combination of such States. Unless its superiority in numbers and armaments is assured, it will be unable to protect States-members from acts of aggression emanating from this quarter. Moreover, in assessing the measure of superiority the factor of mobilisation should be taken into account, whilst special arrangements may be necessary for safeguarding the security of States-members whose frontiers adjoin those of powerful non-member States.[1]

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[1] Cf. Fries and West, *Chemical Warfare*, chaps. II and III.

[2] See chap. XI, p. 409, and chap. XII, p. 481.

Thus it will be seen that the duties entrusted to the international force come within the range of practicability. If it is intended that the international writ shall run, the international force can render it effective. The scheme outlined in the foregoing chapters may not represent the perfect embodiment of an international sanction. A committee of military experts will, no doubt, be able to suggest a more effective and less cumbrous arrangement. Let them be summoned to advise the international authority and to execute the scheme. But, whatever its defects may be, the scheme is capable of being put into operation and will produce the new security which nations demand.

VIII

Objections—Nationality

AMONGST the objections which are levelled against the international force, there are two which concern its practicability. The first has to do with the ties of race and nationality. It is contended that the recruitment, training and handling of a body of men drawn from every country under the sun is a sheer impossibility, and that any attempt of this kind is bound to end in chaos and disaster. Further, it is alleged that racial prejudices and antipathies are so pronounced that when these have been superimposed upon the normal jealousies and frictions characteristic of the military services the discipline and efficiency of the force will be ruined. There is also the difficulty of language. How, it is asked, can an Englishman or a German obey words of command given in French?

It is clear that these difficulties only apply to the international police and do not arise in the case of the quotas which, as we have seen, are composed of national contingents. Their homogeneity has not been impaired.

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[1] See chap. XI, pp. 401, 411.

The administration entrusted with the organisation of the international police will, however, be confronted with these problems. Are they to be regarded as insuperable? Those people who hold this view appear to think there is something particularly sacrosanct in the ties of race and nationality, transcending all other instincts and motives which regulate the conduct of individuals. It is also held that in some mysterious way they constitute the bedrock of human nature and that, being immutable, they cannot be replaced by, or even subordinated to, any other impulses or ideas. This fatalistic doctrine is surely wide of the mark. It is not intended to deny the potency of race and nationality or to disparage the noble sacrifices and deeds which they have often inspired. On the other hand, there is no need to exalt these intangible and mystic influences which, when they are perverted, are responsible for so many of the evils afflicting mankind. Nor can anything be gained by exaggerating their importance in the sphere of psychology. It cannot be maintained that they constantly and invariably exercise a predominating influence upon the actions of human beings. For instance, if the ties of kindred counted for everything, there would be no emigration. If men can only live freely and happily when they inhale their national atmosphere, they would be content never to cross the frontier. If the environment of home was the chief and only attraction, communities would be stabilised for ever.

The desire for freedom prompted the Pilgrim Fathers to invade America. The spirit of adventure has sent thousands of men in search of new homes. The "self-seeking propensity" has been equally responsible for the same result. Individuals are not deterred by feelings of race or patriotism from mixing with other nationalities and settling in foreign lands. Nor, in the past, have the same instincts prevented them from enlisting in the "armies of the alien." In the Middle

Ages the mercenary contingents and bands recruited on the Continent included men of almost every race, who were prepared to fight against all and sundry provided they were well paid. In this instance economic and adventurous motives were predominant. In those days a man sold his military services to the highest bidder, just as in the twentieth century the armament manufacturer sells his weapons at the most lucrative price. The questions of race and nationality do not enter into the bargain.

Moreover, we find that in the past religious dogmas have taken precedence over all other considerations. Men ranged themselves on one side or the other in accordance with their creeds. In support of the sacred cause they joined the ranks of the foreigner, and were prepared to turn their swords even against their fellow-countrymen.[1]

It also frequently happened that loyalty to a person subordinated any feelings of attachment to the nation,[2] whilst occasionally kings were imported and exported, as necessity demanded, even though they did not understand a word of the language of their adopted countries.[3]

The idea of nationality is a comparatively modern growth.[4] It exercises great influence, but it is not necessarily the preponderant factor in the behaviour of individuals. Past experience clearly shows that it has not always dominated human nature to the exclusion of every other impulse. It may only be a fleeting and transitory phenomenon which will be replaced by a wider conception of human responsibility.

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[1] At the Breitenfeld, for instance, on September 17th, 1631, more than 15,000 Saxon troops were included in the army of Gustavus Adolphus in opposition to the German Imperial forces under Tilly.—*C.M.H.*, Vol. IV, p. 205.

[2] For instance, in the Jacobite revolts of 1715 and 1745 in favour of Prince James and Prince Charles Edward.

[3] George I of England, for instance, could speak no English.

[4] Cf. W. Alison Phillips, *Modern Europe*, p. 5.

Hence it follows that racial prejudices will not prevent the recruitment of the international force. The prospective international policeman will be much more preoccupied about his rates of pay, the conditions of service, his training for civilian employment when he retires and other mundane affairs. An Englishman, provided that he is well housed and fed and that opportunities of advancement are open to him, will not be greatly perturbed if he finds himself in the company of Frenchmen, Germans or South Americans. When he fully understands the object of the force and the nature of his work he will soon absorb the *esprit de corps* which membership of such a body will inspire. Nor will his training be adversely affected. The competitive system upon which the force is based[1] will supply the stimulus to improvement. Even the French Foreign Legion, recruited from the castaways of every nation, ill-paid and subjected to hardships of every description, is nevertheless renowned for its high standard of discipline and training. The diversity of nationalities will not rob the international force of its fighting efficiency. The character of the force and its successful administration will be determined in great measure by the policy and actions of the officers in the higher ranks, especially the chiefs of the various sections. Inasmuch as these men will have obtained their high positions through the process of competitive selection, we may assume that they will be qualified to carry out their responsibilities. A bad huntsman can spoil the best pack of hounds; a foolish headmaster can wreck the most promising school; a worthless manager can ruin the most lucrative business; a corrupt Prime Minister can compass the downfall of the strongest political party. Similarly, a brainless general can lead to defeat the most powerful army. The factors of personality and efficiency enter into every department of human activity, whether these are organised on a national or an international basis. They are not confined to any one race. The success or failure of the international police will depend in a measure upon the character of the personnel of its command and administration. It will not be governed by their nationality nor by the fact that the force committed to their care has been recruited from all parts of the globe.

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[1] See chap. XII, p. 447–448.

In the past there have been numerous occasions when men of divers races and nationalities have fought side by side under the command of an allied general. To cite one instance amongst many, the victorious army of Marlborough was composed of six nationalities.[1] The experience of the Great War furnishes the most recent example, and the most conspicuous instance was the entry of the American troops into the struggle. At the critical moment, when the tide of invasion again threatened Paris, detachments of the United States Army were hurriedly thrown into the line and attached to French and British units. Until the danger was averted these gallant Americans were interspersed amongst their allies. They obeyed the orders of foreign officers and, in the stress of battle, merged their identity with that of their comrades. This act of self-effacement and heroism helped to save Paris and the Allied cause from ruin and defeat.

Is it only in moments of crisis that nations can rise to the occasion ? Is it only when imminent danger threatens that sovereignty can relax her relentless grip. When the safety of civilisation is imperilled, when the peace of the world hangs by a thread, when justice stands patiently waiting, will no nation volunteer its detachments to man the breach and stem the rising tide ? "Peace hath her victories, no less renowned than war." Even the language difficulty can be surmounted and the Tower of Babel laid low. The recruits of the international police will all be young men.[2] They will experience little difficulty in acquiring several languages, if need be, or a simpler solution may be found in the introduction of an international medium. Esperanto, for instance, can be learnt in less than six weeks.

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[1] See p. 416, note 1.

[2] See chap. XII, p. 446.

Races and nationalities can march side by side in war: in peace they are prone to separate. And yet every federation which has come into existence proves the folly of this procedure. The Swiss Army, for instance, is composed of three nationalities: French, German and Italian. The American forces include the offspring of divers nationalities. Both function in peace no less than in war. We are forced, therefore, to conclude that from the standpoint of practicability no insuperable barrier has been erected by nature to thwart the creation of an international police.

IX

Reliability

THERE still remains a further question: can the international police be relied upon to function in all circumstances; will they be prepared to coerce, if need be, their own fellow-countrymen? Let it be assumed, for instance, that Great Britain has refused to accept an arbitral decision. Will the international policemen of British origin refuse to join in blockading her ports? If France suddenly sets her national police in motion and crosses the Belgian frontier, will those Frenchmen enlisted in the international air force decline to fly to the assistance of Belgium?[1] In both cases practicability demands that they should do so. Will they conform to its requirements? There are strong reasons for believing that they will obey the orders of the international authority, and the longer the international police force has been in existence, the stronger will these reasons become. During the experimental period of twenty-five years, when the force may be composed mainly of men recruited from the old national armies and navies, the risk of refusal will be greater than in subsequent years. When the young recruits have been taken in hand, whose military experience is confined to the international police, their outlook and mentality will be more in harmony with the new international system than those of their predecessors.

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[1] "It should not be forgotten that the soldiers and sailors of the recalcitrant and condemned country or countries might possibly be called upon to bear arms against their own kith and kin. . . . The voice of their own governments and of their own people will be pulling them in one direction, that of their international masters in another. Which voice will they obey?"—Lord Cromer in *The Nineteenth Century*, July 1916, p. 32.

It is an interesting fact that the early contingents of the American Army to arrive in France included many recruits from the German settlements in the Middle West. These men had been born and bred in America, but their forbears had lived in Germany. They spoke German. Yet they were amongst the first sons of the republic to cross swords with their European kith and kin. It is not suggested that the case of the German-American is entirely analogous with that of the international policeman, but it proves that in international affairs the racial factor is not necessarily the most potent one. It is true that these Germans were citizens of the United States. They had been born on American soil and had been imbued with American traditions. The international policeman, on the other hand, has been bred in one of many States. Until he enlists he has absorbed the national characteristics. Now, however, he can lay claim to citizenship in the kingdom of Justice. His new status and environment will subordinate the impressions of his early training, just as in the case of the German-American the new conditions in the West obliterated the ties of race and kinship. Even the first comers who join the international police are unlikely to perjure their oath of allegiance to the international authority. In the first place, they will have enlisted in a force which has received the support of public opinion in their respective countries. Their national governments have participated in its creation. They were encouraged to join because the international police had received the approval of their fellow-countrymen. If subsequently the latter are guilty of aggression, or have defaulted, the international policeman cannot be blamed for doing his duty and abiding by the terms of his engagement. He will naturally contend that his country should never have placed him in this embarrassing position but, having done so, it cannot expect him to play the traitor. To participate in the act of coercion may go against the grain, but as his country has been branded as a criminal by the authority or has lost its case in the courts of law he has no alternative. In similar circumstances a constable might be called upon to arrest a member of his family or a regiment of soldiers to fire upon their relatives and friends. No one would condemn them for carrying out their orders.

Secondly, the international policeman is not called upon to take sides. His sole duty is to execute the law. Unlike the soldier, he is not ordered to impose the will of his country upon his opponent. He does not arrogate to himself the functions of judge and jury. He is content to repel the State declared to be the aggressor by an impartial tribunal and to enforce the decisions of the courts.

Thirdly, in course of time the international police will have developed an *esprit de corps* which will be shared by the majority of the men in the force. The desire for promotion, a sense of comradeship and pride in the profession will help to create a feeling of loyalty towards the international authority. The growth of this sentiment may be gradual, but its roots will strike deep.

Fourthly, every international policeman will be bound by his oath of allegiance to the authority. Like the recruit to the French Foreign Legion, when he appends his signature to this document he will fully recognise its significance and the obligations it implies. He will understand that in certain circumstances he may be called upon to take action against his nation. He will, therefore, be under no illusion as to the terms of his service.[1]

Fifthly, should he decline to honour his word or attempt to elude his responsibilities, he will be liable to severe penalties. These will be embodied in the police force regulations.

Sixthly, as we have seen, the experience of the past confirms these views. Considerations of race and nationality have not deterred men from performing acts of violence against their fellow-countrymen. Every civil war is evidence of this fact. Whatever the motive may be—religious, political or economic—it has held in abeyance the national or racial instinct.

Thus it will be seen that the resources on the side of practicability are neither slender nor unreal. On the contrary, they are solid and substantial. Moreover, the influence of race and nationality may already have reached its zenith. It is true that at the conclusion of the war it was stimulated by the formula of "self-determination." Another idea emerged simultaneously which was diametrically opposed to the extravagant claims of nationalism. The latter was embodied in the Covenant. To-day the armaments of the world are massed behind the bastions of nationalism: to-morrow they will be posted behind the walls of internationalism.

X

Treachery

THE second objection advanced against practicability is that the international force may be converted into an instrument of tyranny by a dictator or a nation which has been able to usurp control of the machinery of sanctions. It is suggested that in some mysterious way a new Napoleon may arise who, by impressing his personality on the international police, will be able to seduce their loyalty. Having transferred their allegiance to this imaginary person, the international police will then proceed to crown him as emperor of the world. Or, it is contended, a national government may plot to overthrow the international authority by sowing sedition in the ranks of its police and, having won the support of the leaders, contrive amidst the ensuing confusion to establish itself as the supreme power in the universe.

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[1] "The Super-National Police Force will distinctly not be made up of quotas of national armies as such. . . . The Police Force will consist of those individuals from every country who, for the time being, after swearing fealty to the Super-National Body itself, will submerge their own nationality into that of the Super-National Body."—Walston, *The Future of the League of Nations*, p. 25.

Details of these *coups d'état* are not vouchsafed to us. In human affairs, however, anything may be possible. One cannot rule out even the most improbable and fantastic developments. It is true that in the past there have been occasions when high officials of state have been the victims of bribery[1] and intimidation, and the spirit of mutiny has manifested itself in armies and navies. Even the loyalty of constabularies cannot always be relied upon.[2] It does not follow, however, that these events are of frequent occurrence or that they succeed in their objects. On the contrary, as a rule they have ended in the discomfiture of their promoters.

The experience of national governments may be shared by the international authority. Bolshevist propaganda, for instance, may assail the ranks of the international police, just as it has sought to seduce the national forces, where it has signally failed to produce the results anticipated by its instigators. In the international arena it will probably meet with even less success. The members of the force, skilled mechanics of superior education earning high rates of wages and undergoing technical training in engineering and chemistry in addition to their military duties, are unlikely to be smitten with this malady. But as these dangers may threaten the success of the scheme, it is necessary to examine them from the standpoint of their own practicability.

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[1] "There is no doubt that in the period from the Revolution to the end of Queen Anne's reign, when a speaker of the House of Commons was expelled for bribery and the great Marlborough could not clear his character from pecuniary dishonesty, there was much corruption in the highest official quarters."—*E.B.*, 14th edition, Vol. IV, p. 110.

In 1927 the Supreme Court of the United States found evidence of "collusion and corrupt conspiracy" between Secretary Fall and Mr. Doheney and Mr. Sinclair, who had been granted oil concessions.—*Annual Register*, 1927, p. 280.

[2] On August 30th and 31st, 1918, 12,000 men, practically the whole of the Metropolitan Police Force, declared a strike, and were joined by virtually all the men of the City of London Force.—*Annual Register*, 1918, pp. 131–133.

In August 1919 a strike of considerable dimensions took place in the Metropolitan Force, 1,081 men refusing to go on duty. In Liverpool 930 men came out in sympathy.—*Annual Register*, 1919, pp. 99–100.

XI

The Dictator

LET us consider the case of the dictator. Presumably he is the head of one of the sections of the international police and consequently holds the office of High, Naval or Air Constable. In normal circumstances he can only hold his office for three or five years.[1] Even assuming that he wielded great influence, it would probably only extend over his own department. The High Constable, for instance, could not hope to win the support of the naval and air forces, any more than the Naval or Air Constable could expect to attract the allegiance of the land forces. The maxim *Divide et Impera* applies to the arrangements of the commonwealth executive for the command of its international police. A revolt on the part of the naval contingent would be suppressed by the land and air forces, and vice versa.[2] It is hardly conceivable that

[1] See chap. XII, p. 458.

[2] Thus the revolting squadron of Admiral Enomoto in 1868 was reduced to difficulties by the ability of the Japanese Government to prevent supplies reaching his ships, though it was powerless to embark on any active measures against him. "The progress of events furnished a clear indication of the difficulties attending any rebellious enterprise undertaken by a fleet. . . . A fleet is ultimately dependent on the land for all its requirements, and unable to maintain its fighting efficiency, or even to move, without supplies, which—especially as regards ammunition—can usually be denied to it by the authorities with whom it is in conflict."—Ballard, *Influence of the Sea on the Political History of Japan*, p. 123.

all three arms would be attacked simultaneously by the same microbe.

Moreover, if the Executive was faced by a dictatorship or seditious enterprise, it would immediately cut off the unruly section from its sources of supply. The finance department of the authority would be instructed to withhold all payments. The contributions of States-members would cease, and the dictator would soon find himself in a precarious position. His supplies of ammunition and food would also be cut off. Unlike Napoleon, he would not be able to draw upon the resources of a great nation. He has no national establishment at his back upon whose financial and economic support he can reckon. The power of the purse still remains in the control of those communities which had entrusted him with the leadership of a section of their forces. He may attempt to threaten and intimidate them, but it is difficult to imagine how he could succeed without a national centre as the base of his operations. The dictator is a shadowy personage, more likely to be encountered in the sphere of fiction than in the domain of fact.

XII

Conspiracy

BUT let us further suppose that he has enlisted the support of a treacherous State-member or non-member in his ambitious enterprise. Immediately he has succeeded in securing this support the character of the affair undergoes a transformation. It is no longer an insurrection undertaken to secure direct advantages for the international police under the spell of an attractive personality. It is no longer a question of pay or privileges. The element of nationality has been re-introduced. The police are invited to co-operate with a renegade or outside State in order to confer upon it hegemony over all the other members of the confederation. It is improbable that the heads of all the sections of the force—the High Constable, the

Sea, Air, Artillery and Chemical Constables—will join in this escapade. These offices, as we have seen, are held in rotation during Period A by the nominees of the Great Powers and afterwards, in Period B, the Constables may be appointed by the authority. In neither case, however, can more than one of these officers belong to the same nationality at any one time.[1] Consequently, the five Constables will be derived from five different nationalities. If Germany, for instance, endeavoured to win their support, at least four of these officials would be unlikely to respond to her blandishments. They would realise that if the international police became a German perquisite it would be transformed eventually into a German institution. Thus they would inevitably lose their positions and livelihoods, no matter what promises had been made to the contrary. This feeling would be shared by the other ranks of the force. To the consciousness of the iniquity of the whole proceeding and the reaction of the resurrected instinct of nationality will be added a lively appreciation of their own interests and future welfare. If they have played the traitor, what kind of reception will they receive when they return to their homes ?

A revolt against the Executive to extort higher rates of pay and better conditions of service is conceivable, but the transfer of the control of the international police to any national government is outside the range of possibility. If it was attempted, it might mean the disintegration of the force. As a unit it would cease to exist, and the responsibility for restoring international order would devolve upon the national quotas and the loyalists of the international police. During the period of reconstruction which would follow any upheaval of this kind the national quotas would remain as the ultimate sanction upon which the authority could rely.

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[1] See chap. XII, pp. 458–459.

XIII

Conclusion

THUS the division of organised force between the authority and the national governments will prevent a condition of world anarchy should the international police fail in the execution of its duty. Every scheme has its risks. Every federation has been faced with the possibility of the disruption of its central force. Every government is liable to be deprived suddenly of its sanctions. These possibilities are inherent in any political system, national or international, but it does not follow that they will be realised. The effective safeguards are to be found in the public opinion of the countries participating in the confederation, and in the common sense of the international police. These will be strengthened by the division of powers provided in the constitution, which seeks to balance the different parts of the machine so as to maintain a state of equilibrium. In the federal sphere these measures have already been attended with success, and the practicability of establishing and maintaining a central force has been demonstrated. These experiments have neither increased the crop of dictators nor resulted in the supremacy of a criminal State-member. We may, therefore, infer that the same experience will be shared by the international authority when nations are prepared to endow it with an effective sanction.

The practicability of the international force is no longer an academic question. The discoveries of science have carried it into the arena of practical politics. Even its acceptability is no longer in doubt. Within half-a-century it will become a burning question. This orientation has become inevitable. It will be dictated by the march of events, unless in the meantime civilisation has been extinguished. Its feasibility has been demonstrated. From those who sit in the seat of the scornful we are entitled to ask an alternative. If they cannot produce a practical substitute, the only alternative is the policy of drift which culminated in the insanity of the Great War. " Whom the gods wish to destroy they first make mad." Let the nations employ the interval of sanity, lest destruction overtake them in the impending Armageddon.

CHAPTER XV

THE ECONOMIC ADVANTAGES OF AN INTERNATIONAL POLICE FORCE

"It very greatly concerns all men on whom a higher nature has impressed the love of truth that, as they have been enriched by the labour of those before them, so they also should labour for those that are to come after them, to the end that posterity may receive from them an addition to its wealth."—DANTE.

"National Debt is immoral and destructive; silently undermining the basis of the State, it delivers the present generation to the execration of posterity."—NAPOLEON I.

I

Economic Advantages of Disarmament

IN recent years so much has been written about the financial and economic consequences of war that it would appear almost unnecessary to devote much space to this subject. The economic benefits to be derived from disarmament have already been set forth with clarity and precision,[1] but the problem which confronts us is not confined to disarmament, because disarmament alone will not procure either justice or security. As we have seen,[2] it is a product of this combination. The aims of justice cannot be realised without free and unfettered recourse to the international courts of law and arbitration tribunals. These, in turn, cannot function if the litigants appear armed to the teeth. The latter will naturally refuse to discard their weapons unless they are offered a substitute as a guarantee for their security. Thus the financial and economic savings which economists of all countries have predicted as the result of disarmament can only be realised after proper provision has been made for security, based upon the principle of mutual assistance.

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[1] *e.g.* A. C. Pigou, *The Political Economy of War;* Sir Josiah Stamp, *Current Problems in Finance and Government*, chap. IV.

[2] See chap. I, p. 28 *et seq.*

In the past the net savings effected by the disarmament of the warring elements in every community could only have been computed if the amounts expended by the national exchequers on the equipment and maintenance of their police had been deducted. As this transformation, whether brought about by the fusion of States or the development of federalism, extends over a long and remote period, no estimate is of course possible. On the other hand, if an international police force has been created, its cost will be ascertainable and when this amount has been deducted from the previous expenditure on armaments, the net saving may be computed. Until, however, the character of the force has been determined it will obviously be impossible to estimate this amount in actual figures. As we have seen,[1] the size of the international force will depend upon a number of considerations as, for instance, whether all the Great Powers are included in the scheme. We are, therefore, compelled to deal with economic probabilities, which may be assumed as the result of this development.

II

Past Expenditure

BEFORE considering this point, however, it may be useful to take a rapid survey of the expenditure upon war and armaments during the last century. A superficial glance at the national budgets of most civilised countries will reveal clearly the enormous place taken by expenditure on the liquidation of past wars and preparation for future emergencies. The economic aspect of this burden has now become of supreme importance, and there are signs that those reactionaries and "patriots" who are least susceptible to ethical considerations are beginning to doubt whether this huge expenditure is good business. Until comparatively

[1] See chap. XI, p. 401 *et seq.*, and chap. XII, p. 481 *et seq.*

recent times it was not possible to contrast what the State spent on the national debt and defence with its expenditure on civil or social services, for the latter have assumed importance only since the middle of the last century. In 1830–1831, for example, every pound paid in taxation in Great Britain was disposed of in the following proportions:

On the Army, Navy, etc.	7*s.* 2*d.*
On the Civil Services	10*d.*
Interest on National Debt	12*s.* 0*d.*

Thus three-fifths of the British revenue at that time was taken by the service of the National Debt, whilst nearly the whole of the remainder was spent on the army and navy. In 1898, after two generations of rapid industrial development and colonial expansion, the proportions appeared as follows:

On the Army and Navy	9*s.* 10*d.*
On the Civil Services	5*s.* 0*d.*
Interest and Sinking Fund on Debt	5*s.* 2*d.*[1]

These figures reflect the important position reached by expenditure on civil services, the result of the large volume of humanitarian and social legislation which was the outstanding feature of the latter half of the century. But the army, navy and debt service still absorbed over seventy per cent. of a vastly increased revenue.

To obtain a true picture, however, of the relative place held by social service expenditure, we must take into account the growth in the activities of local government. Thus of the total revenue raised from British taxpayers and ratepayers in 1903, just over half was spent on civil and social services, one third on the army and navy and the rest on the national debt.[2] Such was roughly the position in Great Britain at the beginning of this century.

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[1] F. W. Hirst, *The Political Economy of War*, pp. 77–78.

[2] *Id.*, p. 80.

The latter half of the nineteenth century saw Europe developing more and more into an armed camp. In 1858 the barrack population of Europe numbered 2,675,000 men, over fifty per cent. of whom were kept by Russia, Austria and France. In 1898 the European armies on a peace footing had reached the total of 3,562,000 men, two-thirds of whom belonged to Russia, Germany, France and Austria-Hungary.[1] These figures do not include the reserve forces of the various States. It has been estimated that at the latter date the ordinary cost of the army in time of peace per head of the population varied from 2*s.* 7*d.* in Finland to 13*s.* 10*d.* in France. The figure in Denmark was 5*s.* 3*d.*, Holland 8*s.* 3½*d.*, England 9*s.* 6½*d.* and Germany 11*s.* 8*d.* The cost of the navy, computed in the same way, worked out at 10*d.* a head in Austria-Hungary and 11*s.* 7*d.* per head in Great Britain. The total military budget of Europe in 1897–1898 was £156 million, and the total navy budget £61 million, of which figure the British share was more than one-third.[2]

It may be said that since the Franco-Austrian-Italian War of 1859, competition in armaments has become a significant factor in international life. After the turn of the century the pace was accelerated all round, and a mad race to destruction absorbed an increasing proportion of the energies and resources of civilised States. The table on the opposite page [3] shows the rapid growth in the amounts spent on armaments by the chief European Powers since 1858.

The expenditure on armaments by the Great Powers of Europe increased five-fold during the fifty-five years between 1858 and 1913. In the period 1883–1913 while the population registered an increase of thirty-five per cent. the amount spent by all the countries on defence

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[1] F. W. Hirst, *The Political Economy of War*, pp. 81–83.

[2] *Id.*, pp. 84–86.

[3] Per Jacobsson, "Armaments Expenditure of the World," *The Economist, Armaments Supplement*, October 19th, 1929, p. 3.

DEFENCE EXPENDITURE IN £'S MILLIONS

	1858.	1883.	1908.	1913.	1928.
Great Britain	23	28	59	77	115
France	19	31	44	82	91
Germany	5	20	59	100	37
Italy	2	12	18	29	51
Austria-Hungary	11	13	21	24	—
Russia	19	36	60	92	97
Total : Great Powers	79	140	261	404	391
Total : Other States	16	23	38	82	133
Grand Total	95	163	299	486	524
Average price level, (1913 = 100)	110	95	90	100	140
European Population (in millions)	278	335	436	452	479

grew by no less than 197 per cent. During the five years preceding the Great War the pace became greatly accelerated. Between 1908 and 1913 the Continent's armaments bill rose by more than fifty per cent., and it has been estimated that during those five years the countries of Europe spent, in all, £9,000 million on instruments of war, of which over five-sixths were spent by the Great Powers. Relations were becoming more and more strained : the world was living very dangerously. It was a case of "interdependence without security." [1]

III

Present Expenditure

EVEN after a great catastrophe like the last war, which should have finally demonstrated the futility of the philosophy underlying the precept *Si vis pacem, para bellum,* the nations of the world, like the Bourbons in 1815, seem to have learnt nothing. Communities are still staggering under armament burdens which, if averaged over a period, are at least as heavy as before the war. In some cases the real expense has actually increased. For instance, the armaments expenditure of France in the year 1929 was well over

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[1] J. L. Garvin, *The Economic Foundations of Peace*, p. 34.

2,000 million gold francs compared with an annual average of 1,500 million to 1,525 million francs in the period 1909–1913.[1] This shows an increase, even after allowing for the rise in gold prices. The same is true of Italy, whose armaments cost 1,300 million lire in 1928 as against an average of 700 million lire for the period 1909–1914.[2]

It is vital that we should realise what proportion war charges bear to the budget totals of the Great Powers to-day. Of the £750 million expenditure provided for by the British budget £340 million go to the service of the national debt, £60 million to £65 million for war pensions and £110 million to £115 million for current defence outlay. In other words, 14*s.* out of every pound collected in taxation can be said to be attributable to war. The French budget shows almost exactly the same proportions, seventy francs out of every hundred raised in taxation being devoted to the payment for past wars and protection from future attack. In the United States the scope of the federal budget is far more restricted than in the centralised European States. The Secretary to the Treasury, in his Report to Congress for the fiscal year ended June 30th, 1927, computed the expenditure due to wars, i.e. debt services, war pensions and current armaments costs, as being eighty per cent. of the total spent.[3] There is a striking contrast between these powers and neutral countries, like Switzerland and Sweden, which have lived at peace for over a century. They have hardly any debts due to armaments and their expenditure on current defence forces is in the case of Switzerland under one-third and in the case of Sweden less than twenty per cent. of the total State expenditure.

The amazing fact emerges that, despite the clauses of the Peace Treaty which compulsorily disarmed the vanquished, Europe as a whole to-day is spending more on armaments than in 1913. Mr. Jacobsson, Secretary-General to the Economic Defence Council of Sweden and formerly a member of the Economic Section of the Secretariat of the League of Nations, has emphasised this point in the memorandum quoted above in which he says: "If the amounts spent by Germany are deducted, the totals for the other countries are: Pre-war £386 million, post-war £487 million. These figures mean that European countries other than Germany devote to armaments almost as much in real values (account being taken of the rise in prices) as they did before the war, and considerably more than their average expenditure in the period 1909–1913. In order to bring the armaments of those countries down to the level obtaining in 1908 there would have to be an average reduction of approximately thirty per cent. from the level of 1928."[1]

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[1] See Per Jacobsson, *The Economist, Armaments Supplement,* October 19th, 1929, pp. 5–6.

[2] *Id.*, p. 7.

[3] Treasury Department Document 2985, 1928, p. 20.

The present world expenditure on armaments is about £890 million and of this roughly sixty per cent. is spent by European countries, twenty per cent. by the United States of America and twenty per cent. by the rest of the world. If, however, we take into account the other indirect charges which have to be borne by governments which adopt compulsory military service, it will be more accurate to state that of the world's real expenditure on armaments Europe is responsible for two-thirds, the United States for one-sixth and the rest for one-sixth. It is a significant fact that "the United States, with about thirty-five per cent. of the income of the world, accounts for under seventeen per cent. of the world's armament expenditure, while Europe, with a similar income, is responsible for sixty-six per cent."[2]

The following quotation from Mr. Jacobsson's memorandum is also relevant: "If Europe devoted to armaments the same percentage of its aggregate income as the United States of America, it would be spending, not at the rate of £524 million as at present, but something like £160 million. That would mean universal reduction to the level of armaments now obtaining in Switzerland or Austria or, in other words, the elimination of all aggressive elements in the defence organisations of European countries."[1] As we have seen,[2] the aggressive elements are unlikely to be eradicated by a simple process of reduction, however desirable this pruning may be. The seat of the trouble lies deeper, and the disease can only be cured by recourse to the principle of mutual assistance and by restricting the employment of organised force to the police function. This view, however, does not appear to be shared by the fifty-four nations who have solemnly attested their signatures to the Covenant of Peace. Although ten years have elapsed since they formally renounced their intention of going to war and promised to disarm themselves, their warlike expenditure to-day equals, if it does not exceed, the average during the years immediately preceding the war. The former enemies have been disarmed. What has become of the fair promises to follow this noble example by the creators and protagonists of the League? They still spend the colossal sum of about 17,000 million gold francs[3] each year in preparing for the next war. They contribute a little over 27 million gold francs annually in preparing for peace. In the words of Professor Madariaga, "If the total obtained by adding up the 'defence' budgets of all the members of the League for one year only were set aside, even neglecting the interest accumulated on the unspent sums (no small concession indeed), the capital thus secured would suffice to meet the present expenses of the League of Nations (including the World Court and the International Labour Office) for about six centuries. This means that the world (even if the United States, Russia, Mexico, Turkey, Ecuador, Egypt and Afghanistan are left aside) is nowadays spending in preparing for war six hundred times the sum which it devotes to preparing for peace."[1] Are we, therefore, to infer that the odds on war are six hundred to one? No wonder the popular text in these days is, "Let us eat, drink and be merry; for to-morrow we die."

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[1] Jacobsson, *The Economist, Armaments Supplement*, October 19th, 1929, p. 4.

[2] *Id.*, p. 5.

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[1] Jacobsson, *The Economist, Armaments Supplement*, October 19th, 1929, p. 5.

[2] See chap. I, p. 28 *et seq.*

[3] This figure is based on Per Jacobsson, *The Economist, Armaments Supplement*, Annexe VII, p. 8.

IV

Results of Armament Expenditure

TO the ordinary person perhaps these figures, expressed in hundreds and thousands of millions, may convey only an indistinct idea of their true significance. In these days, when through force of circumstances it has become customary to talk in millions, it does not follow that one is able to think in the same terms. Everyone, however, must realise that these figures are reflected in conditions which he can understand. The man who tramps from one end of the country to the other looking for work, the housewife who is compelled to pay more for her purchases, the business man who is mulcted of more than half his income by the tax-collector, should be able to appreciate the results illustrated by these figures. In Great Britain alone the majority of the one-and-a-half millions of unemployed persons may attribute their unfortunate condition to the expenditure on war. To the same source may also be traced the increased cost of living and high taxation, which combine to perpetuate the conditions of poverty in every country. War casualties, war debts, war expenditures, war taxation, war unemployment and war costs of living are all expressed in millions and thousands of millions. Internationally we have lived on the grand scale. Like the prodigal son, we have wasted our substance in riotous living.

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[1] *Disarmament*, p. 3.

To the lay mind, these figures are most bewildering and perplexing. What has become of all these millions? Where are the assets they represent? They have been squandered and converted into liabilities amounting in Great Britain alone to the fabulous sum of £7,800 million. The national debt, which in 1914 stood at £706 million, reached the highwater mark of £7,875 million in 1920.[1] The assets of Great Britain have been estimated at £27,000 million.[2] Consequently, to the extent of at least 33 per cent. these properties have now been mortgaged, and interest on the loan at present amounts to £310 million a year. At the present rate of repayment fifty years will elapse before the mortgage has been redeemed and the loan repaid.[3]

V

The Old Security

A CENTURY ago the nations of Europe were faced with the same problem. They said, " We have saved posterity from becoming the slaves of Napoleon and the French: therefore, posterity must pay the bill. Without running the risk of bankruptcy, we cannot liquidate the cost of the war." Thus during the period 1793–1816 as a result of the Revolutionary and Napoleonic Wars the national debt, funded and unfunded, of Great Britain and Ireland grew from £254,306,435 to £1,190,700,789, an increase of nearly 370 per cent.[4] The same arguments were used, and the same procedure was repeated one hundred years later on a vaster and more costly scale. Posterity, however, was not satisfied with the humdrum task of repaying war debts: it must offer up its own sacrifices on the altar of Mars. During a period of forty years, up till about 1860, financial stringency prevented posterity from embarking upon new programmes. After that date, however, as we have seen,[1] the national expenditures on armaments increased by leaps and bounds. As the burden of the national debt became lightened, as the economic resources increased and as the armament firms tightened their grip, international rivalries in every sphere became intensified. The annual sacrifices, expressed in the budgets of almost every country, piled up year after year. Each government, whatever political party it represented, appealed for these sacrifices on the ground of self-defence. They disliked the necessity of imposing new taxes but, as sound statesmen and good patriots, they must provide for the security of their respective countries. To purchase security, it was essential to propitiate the war god. These views were endorsed by their fellow-countrymen, who cheerfully paid the security bills and asked few questions.

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[1] *Statistical Abstract for the United Kingdom*, 1928.

[2] See L. V. Birck, *The Scourge of Europe*, p. 271.

[3] Mr. Winston Churchill, *Commons Debates*, 5th Series, Vol. 216, Cols. 829–830.

[4] Accounts of the Funded and Unfunded Debt of the United Kingdom of Great Britain and Ireland; 1786–1819 (35 of 1819–1820), Appendix C, No. 13.

VI

Price of Supremacy

IT follows that the hundreds and thousands of millions dispersed by patriotic nations during the nineteenth century were supposed to represent the price of security. On the other hand, it has been pointed out[2] how difficult it is to distinguish between the objectives of security and supremacy. Under the cloak of self-defence, the underlying policy actuating a nation may be that of ascendancy. Each nation desires to exercise supremacy over its neighbours. In the absolute sense they have all failed to achieve this result. The law of progress outlaws world dominion. The attempts to achieve supremacy, however, have been costly. They represent, in the case of France, a national debt of 466,206 million francs, Germany 2,736,500,000 marks, Italy 88,264 million lire, the United States 17,604 million dollars, and Great Britain £7,800 million.[1] They have brought a number of States to the verge of bankruptcy, and have inflicted untold misery and poverty upon their peoples.[2]

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[1] Chap. I, p. 31.

[2] See chap. VI, p. 240.

But even these sacrifices have not appeased the war god. Obviously he could not dispense supremacy lest his own sovereignty should disappear.[3] Under the international system, it was possible for one nation to make a bid for supremacy and thus to embroil the remainder. As, however, they all concurred in this system, they were all responsible for its results.

Let it be supposed that a temporary measure of absolute supremacy was attainable. From an economic point of view, would it have been worth the price? Let us also suppose that Germany had won the war, and quartered her troops in every European capital. She might then have clutched hegemony with both hands, but would it have been a sound investment for her people? From the impoverished and semi-bankrupt communities she could not have extracted sufficient indemnities to reimburse her total war costs any more than they have been able to recover their war costs from her, despite the fact that her industries had not been submerged by the tide of invasion. Moreover, the costs of policing Europe in the exercise of absolute hegemony would not only have absorbed the indemnities but would have drained the last resources of the conqueror. The political prize would have been dearly bought, and would have reduced the nation which held it to a state of bankruptcy precipitated by the insolvency of its victims. Thus hegemony in the political sense, even if it was attainable, will have defeated its own ends. A man who makes himself bankrupt by endeavouring to exercise social superiority over his neighbours is regarded as a fool. If, on his road to ruin, he has inflicted injury upon others by unlawful practices, he is sent to prison. No stigma, however, is attached to a victorious nation which may be guilty of every conceivable atrocity. It may escape prison, but it cannot avoid being entangled in the financial and economic fate of its bankrupt neighbours.

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[1] *Kimber's Record of Government Debts*, 1928: (Overseas Statistics Inc., New York): pp. 223, 551, 603, 710, 1020.

[2] "This source of help is above suspicion, where assistance is sought outside or within the State on behalf of the economic administration of the country (for instance, the improvement of the roads, the settlement and support of new colonies, the establishment of granaries to provide against seasons of scarcity, and so on). But, as a common weapon used by the Powers against one another, a credit system under which debts go on indefinitely increasing, and are yet always assured against immediate claims (because all the creditors do not put in their claim at once) is a dangerous money power. This ingenious invention of a commercial people in the present century is, in other words, a treasure for the carrying on of war, which may exceed the treasures of all the other States taken together, and can only be exhausted by a threatening deficiency in the taxes."—Immanual Kant, *Perpetual Peace*, trans. Smith, pp. 111–112.

[3] See chap. v, p. 185.

The events of the last ten years have conclusively proved that the economic interdependence of nations in the modern world precludes the idea of world dominion based on force. There is a limit to the amount of reparations which can be extracted from a vanquished foe. Had it been possible, the Allies would have extorted the last penny from Germany. In doing so, they would have destroyed Germany's powers of recuperation. Her people would have been reduced to a state of anarchy, and the whole scheme of reparations would have collapsed.

Thus it follows that during the whole of the nineteenth century the peoples of Europe were engaged in chasing the evil spirit of supremacy, as imaginary as it was costly. Impelled alternately by hopes and fears, they expended thousands of millions on this mad escapade. This spirit has brought them to the edge of the precipice. On the next occasion it may drive them, like the Gadarene swine, into the depths of the sea.

VII

Price of Security

AND, as supremacy has proved to be an illusion, the plea of self-defence is in no better case. This policy was supposed to hold out the promise of security. But the species of security guaranteed by the Balance of Power and the colossal armaments of the Great Powers was as unreal as it was expensive. It represented the shadow without the substance. Arrayed in the garments of self-defence, it proved to be as elusive as supremacy. The nations which have wooed this pseudo-embodiment of security for more than half a century, pouring their treasure into her lap, have now discovered that she was an unfaithful mistress. Like Delilah, she has shorn them of their locks. After the expenditure of stupendous sums, they are no nearer the goal. If the national debts represent the price of supremacy, the annual amounts spent on maintaining the armed forces of every country may be regarded as the cost of security. And despite the thousands of millions which have been paid into this insurance fund, nations are no better off and will still be compelled to go on paying their premiums year after year on an ascending scale. When an international conflagration occurs, there is no joint fund out of which they may recoup their losses. Obviously this is the worst form of investment which could possibly be imagined. The premiums are absorbed in liquidating the debts and meeting the current expenses of each firm. Nothing is allocated to reserve, the liabilities are unlimited and no attempt is made to spread the risks. Any business conducted on these lines, however great its initial resources, must in the long run find itself in the bankruptcy court.

VIII

The New Security

IT follows that the whole system should be overhauled. If nations have deluded themselves into paying for something which they have never received, it is time that they resolved to obtain value for their money. They demand security and are prepared to pay for it. But, as we have seen, it cannot be purchased on the basis of self-defence.[1] Where individual insurance has failed, a policy of mutual insurance will succeed. Security based upon the decisions of international law and the limitation of force to the police function can be bought if nations are prepared to consider this new form of investment. This brand of security can also be relied upon, because it contains a mutual guarantee of its efficacy and permanence. Provided that the new firm is scientifically organised on a co-operative basis, it will not only give security to its shareholders, but will also enable them to launch out in other remunerative directions, thus enabling each community to increase its wealth and prosperity.

We have already seen how individuals have purchased security.[2] No longer does each person spend money in arming himself and his retainers, nor does he invite tenders for the construction of a moat around his house. He is not even concerned to erect a high wall around his property, as he was once accustomed to do. He has adopted the principle of mutual insurance and pays his contribution—grudgingly, it is true—towards the maintenance of the courts of law and the police.

Two results have followed. First, under the present regime his life and property are much more secure than in the days when he was compelled to defend them against all and sundry. It is true that even in civilised communities he may still be robbed or murdered, but in comparison with the old régime he now enjoys a sense of

[1] See chap. VI, p. 231 *et seq.*

[2] See chap. IV, p. 154.

security which his ancestors could never have imagined. Security in an absolute sense he may never realise until a change in the moral character of the whole community has rendered the constabularies superfluous. A high standard of relative security he has, however, already obtained by joining with his neighbours in constituting a force for the protection of all.

Secondly, by contributing to a common fund the individual has reduced the cost of his security. Before the advent of the police, his safety was either non-existent or extremely expensive. He was at the mercy of his enemy unless he could afford to arm himself and hire the services of retainers for his protection. Under the pooling arrangement, however, whether he is rich or poor, he enjoys the maximum of security at the minimum of cost.

Similarly, if nations want real security, they can purchase it at a reasonable price by agreeing to establish a joint force. What will be the cost of the new security? As we have seen,[1] it will depend upon a variety of factors which can only be ascertained when the scheme has been agreed to and worked out in detail. In any case, it will represent a limited and ascertained liability, depending upon the amount of organised force which is considered necessary for the policing of the world and for protection against those States which refuse to join in the undertaking. With the exception of the latter, it will not depend as at present upon the whim or policy of any single State.

IX

Cost of International Police Force

THE cost of the international police force will include the annual expenditure on the quotas and the international police; the purchase of the armaments transferred by the national governments; the renewal and depreciation of weapons; the compensation and pensions to the personnel of the force.

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[1] P. 564.

These we have already discussed in chapters XI and XII. It has also been pointed out that the cost will tend to decrease for the following reasons.

In the first place, as the international authority becomes all-embracing the protective character of the international force will become merged in its responsibility for the maintenance of law and order. When the United States and Russia are compelled, either by necessity or through force of example, to join the scheme, the authority will be able to reduce the number of its police. In proportion as its membership increases, the size of its force will diminish.

Secondly, the creation of the international police will, as we have seen,[1] put an end to competition in armaments. The equipment of the quotas will have been stabilised on a pre-war basis. The armaments entrusted to the international police, with the possible exception of aeroplanes, will also be stabilised,[2] unless one of the Great Powers outside the international circle embarks upon a new armaments race. If the policy of stabilisation can be effected, there will be no need for replacements until the weapons have been completely worn out. The introduction of a new model or design will no longer condemn existing types to the scrap-heap. The saving under this heading will be cumulative, and in the course of a few years will amount to a substantial figure.

Thirdly, under the new regime there will be no incentive to increase armaments. When the motive of supremacy has been replaced by that of security nations, like individuals, will grudge paying their contributions towards the maintenance of the international police. The tendency will be to cut down expenditure rather than to increase it. The rate will be dictated by necessity and experience. It follows that the procedure hitherto pursued in the search for security will be reversed. Instead of thinking how much they can afford to spend, governments will concentrate on cutting down their contributions. Disarmament within the limits prescribed by the new security will have been achieved.

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[1] Chap. x, p. 377.

[2] See chap. XII, p. 473.

We may, therefore, assume that the cost of the new regime in terms of cash will be far less than the total expenditure on existing armaments. These substantial reductions will be reflected in the budgets of all the participating States. Moreover, the longer the new system operates, the easier it will be to effect economies and to increase the moral influence of the authority at the expense of its armaments.

X

Indirect Benefits

IN addition, however, to the direct saving expressed in terms of money, a number of indirect benefits may also be anticipated.

In the first place, a reduction in the numbers of the national armies will release men at present engaged in non-productive employment and place their services at the disposal of industry. Hitherto they have drawn upon the "heap" representing the total output of wealth without contributing towards it. In the words of Sir Josiah Stamp, "Their original addition is now annihilated, but their subtraction continues. The measure of the economic loss to the whole people is not so much the actual goods and services withdrawn to 'keep' the million (men) but the goods and services the latter might or would have added. . . . It (the loss) is immediate and is due to the withdrawal of producers from making what the world can enjoy and setting them aside either as soldiers or sailors or to make the ships and munitions which do not enter into the standard of life or comfort of the producers as a whole."[1]

It is true that the "soldiers and sailors" were supposed to provide that security which enabled the national "heaps" to accumulate but, as we have seen, this form of security was a delusion. In their new occupations, they will not only continue to share in the "heaps," they will also add to them.

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[1] *Current Problems in Finance and Government*, p. 79.

Further, the international police reservists will have received a technical training which, at the conclusion of their period of service, will enable them to take their place in the industrial ranks. Consequently, after having assisted in providing the new security, they will be equipped to undertake the rôle of wealth-producers in their respective countries.

Secondly, the time, energy and brains now devoted to military research will also be diverted into productive channels. Henceforth, scientists will be able to apply themselves exclusively to the arts of peace. Instead of hastening the era of even more expensive armaments and the quicker obsolescence of types, they will bend their energies to lowering the costs of production and to discovering new designs of labour-saving machinery. Inasmuch as progress depends in so large a measure upon the results of applied science, the return of these wanderers to the paths of peace will increase the productivity of their respective countries.

Thirdly, there is a further economic loss which such a course would obviate. The present system of armaments dissipates the natural resources of every community at an alarming rate. In the words of Sir Josiah Stamp, "Expenditure on armaments is wasteful in a peculiar way. . . . The irreplaceable products of nature are put to the least advantageous use for the human race in armaments. Modern civilisation of a mere hundred years' range is living hurriedly and without forethought or stint on the stored-up products of many centuries. . . . The amount of coal, iron and oil used for naval and military purposes might as well never have existed, so far as its influence on the economic future is concerned—it is a clean deduction from Nature's provision for the human race. Disarmament would help to arrest this waste of the irreplaceable fundamental factors of modern economic life—the rake's progress to physical bankruptcy."[1]

XI

Investors and the New Security

FOURTHLY, the inauguration of the new security will instil confidence in the minds of investors. War and capital, like the lion and the lamb, are an ill-assorted pair. The lion roars; the lamb flees. Capital is sensitive: rumours of war precipitate its flight. In disturbed parts of the world it can only be attracted by the prospect of high rates of interest to offset the risks of an outbreak. If the relationships between two countries become strained, the tension is reflected in the market value of their securities. Let the chances of war be decreased, if not eliminated, by the provision of sanctions and the flow of capital will proceed uninterruptedly between those countries which have joined together to establish the reign of law. Moreover, if the risks are decreased, the rate of interest will tend to be reduced even in those States which have hitherto been regarded as the seed-beds of war. The economic expansion of the Balkan countries, for example, has been retarded in the past by their warlike proclivities and the absence of any international authority able to enforce the peace. The world can only realise its maximum production when capital is free to operate in every country, undeterred by the prospect of tumult and war and unfettered by artificial barriers which hinder the development of its economic resources.[2]

The most striking example of this truth is to be found in the expansion of industry and the increase of wealth during the last sixty years in the North American Continent. The new security brought about by the union of States has produced political conditions which have enabled industry and commerce to thrive at an unprecedented rate. As the new States of the "Wild West" submitted themselves to the discipline of law and order, they increasingly shared in the prosperity of their elder brethren.

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[1] *Current Problems in Finance and Government*, pp. 83–84.

[2] "That the average citizen of the United States enjoys a larger share of the necessities and amenities of life than the average citizen of almost any other country that could be named will be generally admitted. This beneficent result flows in a large measure from the greater freedom in inter-State relations enjoyed by the citizens of the member States of this federation, as compared with the degree of freedom in inter-State relations enjoyed by the citizens of the State-members of the League of Nations."—Oscar Newfang, *The United States and the World*, p. 107.

The repeated failures to achieve a drastic measure of world disarmament have not inspired confidence in the minds of investors. On the contrary, they encourage the miser to bury his treasure deeper and the spendthrift to dissipate his capital more speedily.

XII

Economic Policies

FIFTHLY, it is impossible to determine how far the economic policy of any country is dictated by the apprehension of war. That this fear exerts considerable influence is certain. As we have seen,[1] it was responsible for the slogan of "Key" industries, and for the desire to control the sources of raw materials indispensable in war. It lies at the root of the expressed determination of so many countries to become economically self-contained.[2] It is argued that new industries, like hothouse plants, must be reared by artificial means, whether the soil is suitable or not. The parliaments of great and small nations vie with each other in endeavouring to achieve economic sovereignty. They cherish the delusion that by passing laws they can increase the wealth of their peoples. Tariff barriers are erected to check the flow of free exchange. The advantages conferred by nature are thrust into the background by the insane idea that material prosperity can be manufactured by legislative enactment, and that economic independence is the ultimate goal.

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[1] Chap. VII, p. 256 *et seq.*

[2] Cf. A. C. Pigou, *The Political Economy of War*, pp. 11–12.

Behind these designs lurks the spectre of war. Nations fear to become dependent upon their neighbours lest in the next struggle they should be taken at a disadvantage. Under these conditions, the free exchange of commodities, resulting in the economic production of wealth, is unattainable. Nations will not bring to the international market the goods which they are best fitted by their natural environments to produce. They will cling to protection, thus fomenting the rivalries, resentments and hostilities which, in turn, produce the very results which this policy is intended to prevent.

Nations can no longer afford to indulge in warlike preparations, whether they are expressed in the form of armaments or tariffs. The task of reconstruction will not be achieved until the peoples are willing to repose their confidence in the new security which the advent of an international police is bound to create.[1]

Sixthly, the elimination of competition in armaments will release industry from the shackles of militarism. As we have seen,[2] certain industries are not free to develop on economic lines because they are intimately connected with the function of war. Consequently, their commercial utility is lessened, and their wealth-producing capacity is correspondingly decreased. The development of aviation, for instance, tends to be influenced by considerations which have no bearing upon its commercial efficiency. In the construction of aeroplanes and airships, the location of aerodromes and the determination of air routes,[1] military bias comes into play, which may detract from the utility of these new vehicles of commerce. Similarly, strategic railways [2] are chiefly constructed for the transportation of armies rather than of passengers and goods. The project of constructing the Channel Tunnel has been constantly opposed on military grounds. Other examples may be cited of the close connection between the war machines and industry which indirectly contribute to curtailing the economic expansion of the latter. When, however, the incentive to military competition has been removed and the defence of the frontier has been reduced to proportions of relativity [3] through the application of the co-operative principle, commerce and industry will be allowed to develop untrammelled by the exigencies of war.

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[1] The lesson afforded by the freedom of economic movement within the United States is significant. "Should any state attempt to establish and enforce any unfair discrimination against the trade of a neighbouring state passing into or through its territories, the Inter-State Commerce Commission has full authority to receive the complaint of the aggrieved state and to order the injustice to be removed. If the equity of its decisions is questioned, appeal may be made to the Supreme Court; and, should any state attempt to defy the final decision of the Supreme Court, the latter would be backed up, not by the troops of the aggrieved state, but by the federal troops of the whole Union; so that any resistance by the offending state would be met by the forces of the whole United States and not merely by the state against which the aggression was practised."—Oscar Newfang, *The United States and the World*, p. 91.

[2] Chap. VII, p. 259.

XIII

Taxation and the New Security

SEVENTHLY, the policy of huge armaments resulting in the Great War has produced in almost every country a high rate of taxation, preventing economic recovery. The demands upon the taxpayer are unprecedented. Not only must he contribute towards the interest and sinking fund of his internal debt, but he must also liquidate the war debts which he owes to other nations. Both these items are included in the National Debt. In addition, he must still pay huge sums towards the maintenance of his national forces, as the price of the old security, which are still in excess of his pre-war contributions. To all these commitments must be added the financial burden of unemployment, augmented by a profligate system of doles, subsidies and other non-productive expenditure. To meet these liabilities, governments have been compelled to increase taxes on income and capital. For instance, the income tax has risen in Great Britain from 1*s*. 2*d*. in the pound in 1914 to 4*s.* in 1929, whilst at the latter date the super tax ranges from 9*d.* in the pound to 6*s.*, whereas in 1914 it ranged from 5*d.* to 1*s.* 4*d.* Death duty, which is a capital tax, now amounts to a graduated rate of 1 to 40 per cent. compared with 1 to 15 per cent. before the war. In addition, there are the indirect taxes on commodities.

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[1] See A. C. Pigou, *The Political Economy of War*, pp. 9–10.

[2] *Ibid.*

[3] See chap. x, p. 379.

It will thus be seen that the citizens of every country have been impoverished by the high level of taxation which retards the recovery of their industries. The latter depend for their replenishment and expansion upon the accumulation of capital which, in turn, is represented each year by the balance between the total income and the total expenditure of the community. Before the War, nations were able to invest these annual balances out of their savings which, in the form of fresh capital, provided for the necessities of industry. New factories, plant and machinery were forthcoming to meet the requirements of labour and the increase of population. Thus new industrial and commercial undertakings came into existence, whilst the old ones were developed and improved. A low level of taxation enabled the increase of capital to keep pace with the increase of population. Except in abnormal circumstances such as were experienced in the year 1908, the number of genuine unemployed was relatively small[1] and, in consequence, the general standard of wages tended to rise.

Since the war high taxation, in the form of income tax, super tax and death duties, has crippled the incentive to save, just as rationalisation, trusts and combines tend to exterminate initiative, enterprise and thrift, characteristics which in the past have contributed in no small measure to the national prosperity. Without competition, mismanaged and obsolete concerns cannot be eliminated nor the consumer protected from the imposition of exorbitant prices; without new capital, the increase in the population cannot find employment; without sufficient employment, the State is forced to impose fresh taxation. Thus one evil produces another, and the results are cumulative. They all trace their origin to the evil of war. Nations, aided by the warlike discoveries and adaptations of modern science, cannot dissipate their savings during the short space of four years without paying the penalty for their madness. The Civil Service and sheltered industries suffer least. The brunt falls upon the consumer whose purchasing power has been so diminished that he cannot, at non-competitive prices, absorb the products offered to him. Hence the cry of over-production.

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[1] See W. H. Beveridge, *Unemployment, the Problem of Industry.*

What are the remedies? Rescue industry from the political toils in which it is being enmeshed; encourage enterprise and competition; restrict the activities of trusts and combines; restrain the monopolistic propensity of rationalisation. Convert the expenditure on doles into payments for services rendered; let the economy axe fall upon all branches of the public services; divert the subsidies devoted to industry into the channels of higher education and research. These palliatives, however, will not touch the root of the problem: they will not reduce taxation to those dimensions which will produce savings in sufficient quantity to provide the new capital for rebuilding the industrial fabric. Not until the competitive system of armaments has been replaced by a joint international force will it be possible to effect drastic economies. Taxation will then be reduced: capital will gradually regain its lost ground. Unemployed persons will steadily be absorbed in the expansion of industry and, as the purchasing power of the community grows, wages will tend to rise not only in value but also in amount.

XIV

Economic Recovery

THESE proposals may appear to be Utopian in a world seething with industrial unrest and dominated by economic catchwords. In the main, however, they are based upon experience prior to the war, when, in spite of many drawbacks and artificial barriers, the wealth of the world progressively increased, and the prosperity of nations steadily advanced. Had they been willing to sink their national animosities by establishing the international force which President Roosevelt urged them to create, had they endowed the Hague Tribunal with compulsory jurisdiction, their economic condition would have been very different to-day. From the stern lessons of the past, is it not possible to derive sound guidance for the future?

But as the results on the downward path have been cumulative, so the stages of recovery will be progressive. The remission, for example, of the income tax, say by a shilling in the pound, will increase savings which, converted into new capital, will swell the total income of the nation upon which the new rate is levied. Reinforced by the psychological stimulus, prompted by the remission, in a few years the new rate will produce the same, or even a larger, revenue than the old one.[1]

If people devoted as much time and energy to making money as they now do in outwitting the tax collector, it might be possible to reduce taxation. But until taxation has been cut down to a reasonable figure there will be no inducement either to ignore the activities of the modern Zacchæus or to economise. On the contrary, governments have placed a premium on tax evasion, and have speeded the flight of capital to other lands. When the expenditure on armaments has been drastically reduced, it should be possible to deliver the taxpayer from the bondage under which he now groans, thus diverting his energies exclusively to increasing the wealth of his country. Moreover, it should be feasible to reduce the cost of tax collection which has now assumed colossal proportions in comparison with pre-war figures.

Thus it will be seen that the results of reduction would be cumulative. Just as there is a limit to the amount of reparations which can be extorted from a nation, so there is also a point beyond which taxation cannot be extracted from individuals without grave injury to the economic life of a nation. In both instances it is a case of killing the goose which lays the golden eggs. The policy which leads to war and its preparation is responsible for this fatality. The burden of taxation under which every country is staggering will not be lightened permanently until nations have thrown their armaments into the melting pot of an international force.

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[1] Cf. Sir Josiah Stamp, *Current Problems in Finance and Government*, p. 83.

XV

Policy of the "Open Door"

ARMAMENTS, however, are only a symptom of the disease. They represent in concrete form the economic rivalries of nations. In the commercial sphere, the latter are expressed in the policy of colonial expansion, so characteristic of the last century, the race for undeveloped territory and raw materials. Each nation sought to stake its claim in this unchartered domain. As a general rule their title deeds rested on the insecure basis of armaments. What they possessed —colonies, dependencies, "spheres of influence" and even mandated territories—was and is held by force of arms. Trade followed the flag. Exclusive rights of exploitation granted to the nationals of the proprietary States became the rule rather than the exception. The policy of the Open Door[1] receded into the background. Vested interests in each territory sought the protection and patronage of their home governments.

It follows that if armaments are to be limited, the

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[1] "This policy, applied to colonial trade, merely means that 'no distinction is made between the products of the mother country and those of other countries.' In the British Colonies, for example, an American merchant would have the same right to trade as a British merchant. As applied to countries such as China, the Open Door means free competition for Chinese trade among the merchants of all nations—upon an equal footing. It is evident that if the Open Door were carried out, international scrambles for the political control of territory would be unnecessary because trade would be independent of political control."—Buell, *The Washington Conference*, p. 355.

States already in possession will be confirmed in their titles. What may now be regarded as a temporary lordship may be converted into a permanent occupation. When the ancient custom of trial by battle has been abolished, the trading and commercial rights of the occupier will also be confirmed, however galling, injurious or unjust this may be to the nationals of other States. Clearly, the stabilisation of such a system would be as unfair as it would be uneconomic, and, unless it can be adjusted, it stands in the way of any scheme of disarmament.

As we have seen,[1] the application of the principles underlying the system of mandates offers a solution of the economic difficulty. It should be agreed that all those territories administered and organised by the metropolitan States should be included in the category of mandated areas, and should be subject to the general supervision of the international authority which is already provided for in Class A mandates. This principle has already been agreed to by the signatories of the Covenant, and the above proposal merely represents its logical application to all territories of this description. Thus the economic rights would be defined in the terms of the mandate. They should conform strictly to the policy of the Open Door, so that henceforward the nationals of every country desirous of participating in the economic development of these territories will be able to do so on terms of equality with those who belong to the mandatory States.[2] No longer would the former be ruled out by preferential or discriminating arrangements. No longer would dependencies and "spheres of influence" be regarded as the economic preserves of those nations entrusted with their administration. Equality of opportunity in the sphere of commerce and trade would then be guaranteed by the international authority which, under the conditions of the new security, would possess the means of making its supervision effective. On the other hand, the mandatory states acquiescing in the policy of the Open Door would be confirmed in their titles of occupation.

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[1] Chap. XIV, p. 536.

[2] "If the Conference had been able to create some machinery to settle disputes arising out of the principles of the Open Door, its success would have been unmeasured."—Buell, *The Washington Conference*, p. 318.

XVI

Conclusion

WE are, therefore, forced to the conclusion that economic recovery cannot be realised so long as the reduction in armaments remains in abeyance. From time to time trade statistics may show signs of improvement, reflected in spasmodic fluctuations, unfortunately so common during the last ten years. But there will be no permanent prosperity and no steady progress so long as force, unrestrained and unlicensed, remains master of the situation. Confidence will not be restored: taxation will remain at its high level. Poverty and unemployment will become more pronounced just as the demand for labour diminishes when the total production of wealth fails to keep pace with the increasing population. Luxury trades may still thrive, but the basic industries will eke out a precarious existence. Panaceas of every variety will be dangled before the public by dexterous politicians and newspaper proprietors. "Big Business" in the form of trusts and monopolies will dictate the policies of parliaments and cabinets. Public opinion, driven to desperation, may resort for a time to spurious remedies, but in the long run it will be forced to pronounce its verdict on armaments. The negative policy of disarmament has failed. It will always fail because it cannot guarantee the new security. One alternative remains: the organisation of the "major force of mankind" under the auspices of an international authority. This project alone will ultimately achieve disarmament, and thus lay the foundation of a progressive and permanent prosperity in which every nation is bound to participate.

CHAPTER XVI

NEGATIVE AND POSITIVE DISARMAMENT

> "A new distemper has spread itself over Europe, it has infected our princes, and induces them to keep up an exorbitant number of troops. It has its redoublings, and of necessity becomes contagious. For, as soon as one prince augments what he calls his troops, the rest of course do the same, so that nothing is gained thereby but the public ruin. Each monarch keeps as many armies on foot as if his people were in danger of being exterminated: and they give the name of peace to this general effort of all against all."—MONTESQUIEU.

THE conflicting claims of the protagonists of negative and positive disarmament have already been alluded to so often that it is unnecessary to do more than attempt to summarise the arguments used by both sides.

The Negatives believe that they can produce a warless world by the simple process of reduction. In effect, they tell us that if the economic axe is ruthlessly applied to the armaments tree and a number of branches are lopped off, the chances of war will become remote. It is not intended to belittle the efforts of those reformers who are obsessed with the negative programme so long as the results achieved do not delude nations into believing that the problem has really been solved. It will be an advance if nations are prepared to reduce their existing armaments. This step will be welcomed as a proof of their sanity and change in outlook. But it must not be allowed to lull the more confiding members of the international fraternity into a false sense of security. Nor can it be regarded as an alternative to the creation of an international force as a means of obtaining justice in the realm of international relationships.

There is the further consideration that the principle of co-operation, expressed in terms of positive disarmament, offers a greater chance of success than a negative policy. The prospects of agreement will be fairer when nations combine to achieve a positive object than when they are asked to collaborate in framing a negative proposal. If it can be demonstrated that, in reaching the objective, they will all stand to gain other positive advantages, the task of disarmament will be simplified.

It is clear that both Negatives and Positives desire to reach the same goal. They differ only as to the method which should be employed in bringing about the final result. Their contentions may be summarised under the following headings.

(1) *Moral Disarmament*

Negatives assert that moral disarmament will be reflected in the willingness of nations to reduce their existing armaments.

Positives maintain that moral disarmament can only be achieved when nations are prepared to consecrate their forces exclusively to the enforcement of international law and the performance of the police function.

(2) *Objective*

Negatives assert that the ultimate objective—disarmament—will be attained through a condition of peace, resulting from a changed morality in international relationships. Hence peace is the immediate objective which can best be reached by a policy of reduction.

Positives maintain that disarmament will be attained under a dispensation of international justice ; that under this dispensation it will not be essential nor necessary to insist upon a perfect morality ; that the recognition of the right use of force and its interpretation in the form of an international sanction will hasten the advent of the new morality, but that the latter is not necessarily the precursor of disarmament; that the creation of an international force is a recognition of one supreme and common interest—justice.

(3) *Mentality*

Negatives assert that the process of reduction will be reflected in a change of national mentality towards war.

Positives maintain that this change will not take place until the national armaments have been replaced by an international force which represents the visible embodiment of the will to peace.

Negatives assert that the programme of reduction is easier to accomplish because it will not offend the national susceptibilities.

Positives maintain that the democracies are more likely to agree upon the creation of an international force because they understand the significance of the police function, whereas they are unable to follow the technicalities of disarmament.

(4) *Motive of Fear*

Negatives assert that the motive of fear—for example, the fear of bankruptcy or a new war—will drive nations to disarm themselves.

Positives maintain that the sense of fear impels nations to enter the armaments race; that it is the most effective tool of the unscrupulous politician and the armament manufacturer; that an international force offers a guarantee and protection which removes the fear of aggression and injustice.

(5) *Relativity*

Negatives assert that a reduction of armaments to relative strengths, based upon the needs of the self-defence of each country, will prevent war; that it will eliminate the aggressive element.

Positives maintain that a reduction based upon relative strengths presupposes the idea of war; that the forces of each nation are assessed by the international handicapper in anticipation of the next struggle; that the character of war remains unchanged—it is still to be regarded as a duel; that only when the employment of force is restricted to sanctions and the duty of self-defence is expressed in terms of co-operation will war become an anachronism.

(6) *Standard of Reduction*

Negatives assert that a general scheme of reduction can be reached by a process of negotiation and bargaining. They can suggest no standard of reduction other than that of relative strengths.

Positives maintain that a permanent scheme can never be evolved upon the basis of negotiation and haggling; that it is impossible to discover a formula upon which relative strengths can be fixed owing to the complexity of weapons and the varying conditions in each country; that any scheme of international handicapping is impracticable, and only tends to weaken the implications of Article 16; that the strengths of national forces must be assessed upon the basis of each nation's contribution to the joint forces of the international authority, and not upon the defensive requirements of each individual State.

(7) *Scope of Disarmament*

Negatives assert that disarmament can be accomplished piecemeal; that navies, land forces and air fleets may be dealt with separately.

Positives maintain that all weapons should be dealt with simultaneously; that the adoption of any other method would be unfair; that the money saved on the reduction of one Service would be used to increase the armaments in another; for example, a reduction in the navy might be followed by an increase in the air forces.

(8) *Competition*

Negatives assert that a reduction in personnel and armaments will suffice to banish the spectre of war.

Positives maintain that the vital consideration is the elimination of competition between the rival War Offices and Admiralties; that the search for new and more destructive weapons can never be prevented until a superior force has been brought into existence.

(9) *Organisation*

Negatives assert that the pruning of existing naval and military organisations will suffice to ensure peace.

Positives maintain that to achieve justice and security a new organisation must be created which can be grafted on to the existing organisation of the League; that the walls have already been built, but it still remains to add the roof of the building; that in future there will not be the conception of soldiers and sailors, policemen only being recognised; that progress is the result of combination, calling into play the creative faculties and the instincts of co-operation.

(10) *Practicability*

Negatives assert that their scheme of reduction is the most practical solution of the question.

Positives maintain that, in spite of the peace campaign of the nineteenth century, the ratification of arbitration treaties, the numerous disarmament conferences and the promises given to Germany, little or no progress has been registered; that their proposals have not yet been seriously considered and that they should be tried as an experiment.

(11) *Supervision and Control*

Negatives assert that an elaborate system of supervision and control must be organised to prevent any infringement of the treaty of disarmament.

Positives maintain that such a system is impracticable and would lead to friction; that any proposal, to be effective, should reduce the system of inspection to a minimum; that the existence of an international force will remove the need for drastic control or minute supervision, and that States would rely mainly upon the superiority of the international force.

(12) *Permanency*

Negatives assert that the process of relative disarmament carries with it a guarantee of permanence, because it will confer financial and economic benefits upon the participating States.

Positives maintain that in the past the negative policy has failed; that States have been disarmed forcibly or voluntarily, but that these measures were proved to be only temporary; that in the future it offers no prospect of permanence; that the positive method will produce pledges and hostages for future good behaviour, and therefore contains the element of permanence; that financial stringency alone will not prevent a recourse to war, nor will economic advantages suffice to guarantee the permanence of disarmament; that the negative policy is a palliative, not a cure; it ignores the root of the malady, the desire for supremacy.

(13) *Modern Weapons*

Negatives assert that the introduction of modern weapons is a further source of embarrassment, which has rendered the task of assessing the relative strengths of the national forces more difficult.

Positives maintain that the discovery of these weapons has simplified the problem of disarmament; that scientific achievement has rendered disarmament possible for the first time in the history of the world; that through the application of the principle of differentiation it is possible to create an international police without affecting the efficiency of the national police and constabularies.

(14) *Maxima and Minima*

Negatives assert that their scheme will produce the maximum results in the sphere of disarmament; that an international force will perpetuate the system of armaments and will tend to increase the military obligations of certain nations.

Positives maintain that in all schemes of relative disarmament the maxima become the minima; that the *status quo* tends to be stabilised; that the establishment of an international force will accelerate the rate of disarmament when nations realise that armaments are no longer of any use to them; that as the number of participating States increases, the armaments automatically diminish.

These, then, are some of the considerations which should be taken into account in determining the relative values of the negative and positive methods. At first sight the former may appear to be the easier way. When, however, it is examined closely, its difficulties seem to be almost insuperable. Moreover, it can guarantee neither justice nor security. As we have seen, it runs counter to the experience of all civilised communities, where the disarmament of individuals has been achieved through the positive method. It is beside the point to refer to some remote period in the fifteenth and sixteenth centuries, when the King's writ was effective without the aid of a strong centralised force. Whatever the actual conditions may have been in those days, it is clear that they did not suffice in later times to hold the criminal in awe or to enforce the verdict of the courts. Nor was the British community in the time of Henry VIII faced with the impending destruction which the discoveries of applied science have prepared for their descendants.

The problem of disarmament is pressing: it brooks no delay. The negative policy is at best a risky procedure. Nations can no longer afford to run these risks. They can no longer imperil their existence by reliance on a "rope of sand." They must build on the secure foundations of an international police force.

CHAPTER XVII

GERMANY AND THE INTERNATIONAL POLICE FORCE

"If the race for armaments continues and the group system survives, we shall assuredly drift into another war, and all the blood that has been shed will have been shed in vain."—PRINCE LICHNOWSKY.

I

The Illusion

MORE than a century has elapsed since the Powers of Europe assembled at Vienna to impose their terms upon Imperial France. On that occasion Germany, in consort with her allies, Russia, Austria and Great Britain, helped to draft the treaty of peace. Imperial France stood in the dock. The long-drawn-out duel had almost reached its final stage. The attempt to win supremacy had once more been defeated.[1] The nation which aspired to the dictatorship of Europe had been overthrown. It remained for the victors to pronounce sentence on the vanquished.

Did the statesmen assembled round the conference table speculate in their minds whose turn it would be next to assume the garb of the prisoner? The representatives of Austria may have cast furtive glances at their Prussian colleagues. The faint stirrings heralding the birth of German unity were already being felt. Would it be ushered into the world by the House of Hapsburg or the descendants of the Hohenzollerns? The attempts to achieve hegemony in Europe had been frustrated, but leadership circumscribed within the limits of the Germanic States might still be attained. Fifty years later this riddle was solved on the field of Sadowa. Austria, the former ally, was compelled to relinquish its claims, and Prussia, flushed with victory, hastened to complete the task of unification amidst the carnage of Sedan. Once more France bowed her head, the victim of a policy designed to achieve the consolidation of a federated and imperial Germany. Stripped of her provinces, mulcted in a huge indemnity, she braved the storm.

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[1] "Every attempt tending to the subjection (of Europe), or only to the too considerably augmenting of any one of her principal monarchies at the expense of the others, can never be any other than a chimerical and impossible enterprise. There are none of these monarchies but whose destruction would require a concurrence of causes infinitely superior to all human force. The whole therefore of what seems proper and necessary to be done is to support them all in a kind of equilibrium: and whatever prince thinks, and in consequence acts, otherwise may indeed cause torrents of blood to flow all through Europe, but he will never be able to change her form."—Sully's Grand Design, *Grotius Society's Texts*, No. 2, pp. 23–24.

Germany was henceforth launched upon her new career. The fires of militarism, lighted by Frederic the Great and rekindled by Bismarck and Moltke, burned brightly. They invaded the precincts of every hearth and home. Their warmth radiated throughout the Fatherland. Every patriot believed in the warlike destiny of his country. "World Dominion" loomed on the international horizon. Thither sped the German eagles, confident in their victorious flight.

Thus began the new race for the dictatorship of Europe, which might culminate in the mastery of the world. To this end a military nation, with land frontiers on three sides, possessing the most powerful army, determined to build a navy which would make her revered and respected on the ocean. Overseas colonies and dependencies must be secured: the example of Great Britain must be followed. Had she not contrived to encircle the globe with her possessions to the exclusion of other nations? Was it not natural and right that this policy should be emulated? But a country which aims at establishing its superiority on both elements simultaneously threatens the security of its neighbours. Supremacy on sea and land will always be regarded as a menace.[1] Such a combination was bound inevitably to lead to war. Thus at the outbreak of hostilities Germany was confronted by the united forces of the Entente.

A hundred years after Vienna a peace conference assembled at Versailles. The Allied and Associated nations were called upon once more to deal with another attempt to achieve dictatorship. The duel has been fought, and again supremacy has eluded both the victors and the vanquished. On this occasion the positions of France and Germany are reversed. Republican France sits in the seat of judgment; Imperial Germany is arrayed in the dock. The sentence is passed; the lost provinces are restored. Germany is disarmed and mulcted to the limit of her resources. The terms imposed in the same hall just half a century before are reproduced on a wider and more devastating scale.

Have the everlasting struggles between Teuton and Gaul at last reached their culminating point or does the new peace merely represent an interval in the preparation for the next conflict? Will the quest for supremacy be renewed until both nations, in the process of mutual destruction, fall into the abyss of irrevocable ruin? It is perhaps idle to speculate. Had the apostles of the blood and iron policy of 1870 foreseen the crash of 1918, it is possible they might have acted differently. Their opponents, imbued with the same militaristic doctrines, have displayed little originality in moulding the terms of the new peace. One side is disarmed; the other refuses to relinquish its "shining armour." One is stripped of its colonies: the other expands its dominions. One is forced to pay huge indemnities: the other extracts the uttermost farthing. Armies of occupation settle down in their new quarters. There follows the usual aftermath of bitterness and recrimination, intrigue and intimidation,[1] all of which have failed to disintegrate the new German republic.

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[1] "This naval superiority had been life or death to us ever since we became dependent on world trade: we must either keep it or die. Germany had become the most powerful nation in Europe, and could remain so without naval superiority over us. She had the right to build a big navy, if she desired, but she had not the same incentive as we had."—Viscount Grey, *Twenty-Five Years*, Vol. II, p. 272.

Has the illusion of supremacy been laid to rest or has it simply been transferred once more, like a ball, from one hand to the other? Has the thirst for revenge been assuaged in one country only to be intensified in another? Is the vendetta to be continued until both families of the human race are well-nigh exterminated? These are the questions which perplex the minds of all sane people in every civilised community. Put them to a peasant of the Landes or a farmer of Bavaria, a woodman of the Vosges or a charcoal burner of the Black Forest, a fisherman in the Channel or a boatman on the Danube, a mechanic of Lyons or a miner of Westphalia. They can give you no answer. But if you suggested the possibility of permanent peace, they would respond with an incredible smile. None of them want war—they hate it—but they are enmeshed in a system from which they see no escape. These simple folk have no particular desire to slaughter one another, but so long as they are drilled, trained and taught from childhood to loath and distrust each other, they will inevitably be sucked once more into the vortex of war. And yet it is contended that suspicion must be kept alive and passions stimulated in order to maintain armies and navies, without which there can be no security. On the other hand, if the national armaments are abandoned, the fires of hate will gradually subside and confidence be restored.

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[1] See p. 220, note 1.

II

Germany After the War

GERMANY has been disarmed.[1] France, thwarted by Great Britain and America in her search for security, refuses to discard her weapons until an effective substitute has been discovered. Germany has joined the League. Already on more than one occasion she has taken the lead at Geneva. Germany initiated the Pact of Locarno, an agreement which guarantees assistance against the new dictator. Germany has become a federated republic. Are we to infer that she has relegated imperialism to the scrap-heap? The answer will be found in her attitude towards the establishment of an international force. If the German people have relinquished the idea of supremacy; if they have banished the cult of militarism; if they have quenched the feelings of revenge; if, in short, they are determined to seek a permanent peace; they can prove the sincerity of their professions by becoming the pioneers of international sanctions. A country which has been forcibly disarmed is prevented from displaying its good faith by surrendering its weapons, for the simple reason that it has none to surrender. There are other ways, however, in which it can produce proofs of its determination to secure peace.

To all intents and purposes, Germany to-day is disarmed. How long will she remain in this condition of defencelessness? It is true that, in spite of this condition, she nevertheless exercises great influence and authority in international affairs. Her moral prestige has not been impaired. She has been accorded a status of equality on the Council of the League. Despite the fact that her powers of offence are nil, in the Pact of Locarno she occupies the same position as France. If she becomes the victim of a sudden attack on the part of France, she can demand military assistance from the guarantors of the Pact,[1] although she is precluded by the Treaty of Versailles from reciprocating the help of her co-signatories. She can also insist upon the submission of all disputes to arbitration or judicial settlement.[2] Further, she has reduced her military expenditure from the pre-war figure of £100 million to £37 million,[3] whilst her victorious neighbours are still being bled at the pre-war rate.

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[1] At the close of January 1927 the Ambassadors' Conference declared that Germany had fulfilled all her disarmament obligations.—*Annual Register*, 1927, p. 162. Cf. *The Times*, February 2nd, 1927.

But although she enjoys the blessings of disarmament her people nevertheless regard them as precarious. They will never be convinced that the wise policy is to remain unarmed so long as their neighbours brandish their swords. They will never feel that the status of equality is real until they are rid of the restrictions imposed by Part V of the Treaty.[4] Until the reign of international law has been established, they will always regard the reconditioning of their national forces as the hall-mark of complete sovereignty. Sixty-three millions of people, constituting one of the most progressive and civilised nations in the world, with a warlike tradition behind them, will never be content to live perpetually under an arrangement which has been imposed upon them. When their financial resources have been husbanded, when the outside pressure has been relaxed, they will be driven once more to re-enter the armaments race.[5] Thus the first step will have been taken on the path which leads inevitably to the Hall of Mirrors at Versailles or the conference chamber of Vienna.

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[1] See chap. VI, p. 244.

[2] Annex A to the Locarno Final Protocol, October 16th, 1925, Article 3.

[3] See chap. XV, p. 567.

[4] "The German theory may be stated to present two possible courses, either the other nations must disarm to the same degree as Germany, or Germany must be allowed to readjust her armaments to an extent consistent with her own defence, having regard to the armaments of the other nations. There can be no doubt that the majority of the German people would prefer the latter course, the country having little faith in the power of the Locarno Treaties to guarantee its frontiers or to afford it the opportunity of revising them."—*The Times*, January 9th, 1926.

[5] The limitation in Article 190 of the Treaty of Versailles of the German armoured cruisers, limited in number to six, to 10,000 tons, has

III

The Choice

GERMANY, however, has no need to embark upon another costly and hazardous adventure. She can attain a status of absolute and perfect equality; she can provide the means of self-defence and security; she can be assured of justice and fair play; she can exercise a more profound influence and authority, if she is prepared to adopt a third course. It is agreed that an indefinite continuation of the *status quo* offers no solution. Experience proves that rearmament can only lead to ruin. There remains the project of establishing international sanctions through the creation of an international force. This third alternative may seem less heroic than the policy of national armaments. It will offer no opportunity for a war of revenge. It may tend for a time to stabilise existing arrangements until the international authority has been endowed with legislative functions. It will undermine and eventually destroy the military traditions of the past. It will dispel any lingering dreams of world dominion. But it is the only sane course which will rehabilitate Germany. By the ordinary person these sacrifices cannot be regarded as onerous. They are not an

resulted in the evolution of a new type of war vessel, not inappropriately termed the "pocket battleship." General Groener, the German Minister of Defence, has pointed out how false it is to compare these with the 10,000 ton cruisers of other powers. They have been designed to take the place of battleships, being too powerful for ships which could catch them and too fast for ships which could sink them, unless vessels were specially built to "reply" to them. "As financial conditions allow," says the *Deutsche Allgemeine Zeitung*, "five sister ships will follow, in other words just so many as the Versailles Treaty allows us." The estimated cost of these 10,000 ton vessels is £4,000,000 apiece. Thus a 60,000 ton cruiser fleet is to be built, nominally "to command the Baltic against Poland," whose navy consists of five torpedo boats and various miscellaneous craft, altogether totalling some 4,000 tons.—Cf. *The Times*, February 5th, 1930.

exorbitant price to pay in return for a status of absolute equality. Measured in terms of money, the cost will be infinitesimal compared with the expenditure which a new armament programme would involve. Germany, like other countries, cannot afford to fritter away her resources on new military equipment. Her first task is to provide for the economic necessities of her people.

Before the war the industrial development of Germany had made enormous strides. Peaceful penetration was more remunerative than the alternative policy of the mailed fist. The wealth of the country increased at an accelerated rate. She obtained raw materials for her industries from all parts of the world, despite the slender dimensions of her colonial possessions.[1] If, under the conditions of the new security, the policy of the "Open Door" becomes operative, Germany will be able to compete commercially with other nations on a footing of equality. Relieved of the burden of administering overseas territories, she will nevertheless be able to trade with them and thus obtain access to the sources of raw materials.

It follows that Germany's economic future does not depend upon the provision of bloated armaments and costly fleets. If she wishes to resume her pre-war trade expansion, she will do so much more swiftly and safely if she can bring about the substitution of an international force for national armaments.

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[1] "All enlightened Germans are to-day fully convinced that the war would have been a most disastrous venture for Germany even if she had been victorious. Before the war, of the £400,000,000 of merchandise exported by Germany, 58 per cent. was absorbed by the nations of the Entente, while 67 per cent. of her imports came from the same countries. To her allies and colonies she did not export as much as 13 per cent. of her products. None of them, therefore, could have replaced the nations against whom she undertook a war whose disastrous character was soon to appear to her."—Le Bon, *The World in Revolt*, p. 86.

IV

The Price

MOREOVER, she can effect the transformation much more easily than her neighbours. In their case the transference of weapons to the authority, and the consequent reduction of production in the manufacture of armaments, may involve the dislocation of trade, which for a time will affect their heavy industries and temporarily increase the number of unemployed.[1] Germany has already passed through this stage. She has rid herself of the encumbrance which still clogs the footsteps of other States. Does she intend to handicap her trade once more by re-forging the shackles she has already discarded? Moreover, the price to be paid for the purchase of equality is not excessive. Her contribution to the international force would include her national quota and the annual payment to the international authority for the maintenance of its police. The cost of the former would probably not exceed the amount she spends upon her existing forces. In the case of the latter, it is true that Germany has practically no weapons to hand over, because they have already been destroyed. Consequently, she cannot share in the proceeds of any sinking fund which, it is suggested, should be provided through the authority for the purchase of armaments at the end of the experimental term.[2] Participation in the scheme will, however, entitle her, in common with other States-members, to the joint ownership of the entire equipment of the international police during the subsequent term.

An objection may be raised to this arrangement on the ground that it is unfair to expect Germany to contribute to a fund out of which she can never hope to recoup herself; that her weapons were destroyed by the Allies, and that thus she is precluded from handing them over to the international authority. This contention, however, disregards two considerations. First, that from the moment when the transfer takes place, Germany will participate in the control and employment of weapons which previously belonged to other States-members. Secondly, that the scheme is framed to meet existing conditions, and cannot therefore take cognisance of all the transactions in armaments which have occurred since the war. Germany will naturally consider any proposals from the standpoint of the future, and whether the scheme as a whole offers her the equality, security and justice to which she is entitled.

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[1] See chap. XII, p. 494 *et seq.*

[2] See chap. XII, p. 490.

V

The Obligations of the Allies

A FURTHER objection may be raised. It will be argued that the status of equality can be attained by a different method. Let the other nations reduce their armaments to the standard they have fixed for Germany. The latter has acquiesced, under pressure, in disarming herself. She has executed, under supervision, the difficult tasks imposed by Part V of the Treaty.[1] But when she consented to this course the Allies explicitly stated that the measure they prescribed for Germany was to be regarded as the precursor of a general scheme of disarmament which would include the Associated Nations. This undertaking is alluded to in four documents. First, it is included in Article 8 of the Covenant.[2] The armies and navies of the members of the League are to be drastically reduced, and the extent of this reduction is to be decided by the Council of the League. Secondly, it is mentioned in the preamble to Part V of the Treaty as follows: " In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow." Thirdly, in a communication to the German plenipotentiaries by the representatives of the Allied and Associated Powers it is reiterated:—" The Allied and Associated Powers wish to make it clear that their requirements in regard to German armaments were not made solely with the object of rendering it impossible for Germany to resume her policy of military aggression. They are also the first steps towards that general reduction and limitation of armaments which they seek to bring about as one of the most fruitful preventives of war, and which it will be one of the first duties of the League of Nations to promote."[1] Fourthly, the Final Protocol of Locarno contains the following reference: " The representatives of the Governments represented here declare their firm conviction that the entry into force of these treaties and conventions . . . in strengthening peace and security in Europe will hasten on effectively the disarmament provided for in Article 8 of the Covenant."

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[1] See p. 604, note 1.

[2] See Appendix K.

These pledges remain unfulfilled. The Allied and Associated Powers still retain their gigantic fleets and their huge armies. Hitherto they have treated these undertakings as scraps of paper. Interminable discussions, extending over the last ten years, have taken place at Geneva and elsewhere, but they have produced no general scheme of disarmament. Germany is entitled to ask why these promises have not been honoured. She has carried out her obligations under Part V on the strength of these declarations, but the Allied and Associated Nations, which waged the war against militarism, now find themselves held in its remorseless grip. France, pointing to her devastated territories, refuses to rely upon the terms or the sanctity of any treaty. She demands an effective sanction. Great Britain, parading the time-honoured plea of imperial responsibility, refuses to produce a reliable guarantee, lest she becomes embroiled with America. The United States, standing proudly aloof, proceeds to outlaw war, without making any provision for the enforcement of this fiat or reducing her navy to reasonable proportions. All these States are impelled by fears of one sort or another. France fears the potentialities of Germany; she dreads the recurrence of invasion. Great Britain fears that her overseas communications may be severed and her vital supplies cut off. The French air force and submarines disturb her slumbers, whilst the American navy remains an enigma. The United States fears the super-state.[1] When all these fears are rolled up together into one big fear, the road to negative disarmament is completely blocked.

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[1] Reply of the Allied and Associated Powers to the German Delegation, June 16th, 1919 (Cmd. 258 of 1919), p. 22. The German Delegation had stated that " the Government of the German Republic is prepared to agree to the fundamental idea for the regulation of army, navy and air forces as proposed in Part V. It is especially ready to agree to the abolition of universal compulsory military service under the condition that this measure be the beginning of a general reduction of armaments by all nations, and that later, two years after the conclusion of peace, the other States, according to Article 8 of our opponents' draft for a League of Nations, reduce their armaments and abolish compulsory service."—Comments of the German Delegation on the Conditions of Peace, May 30th, 1919: *Documents of the American Association of International Conciliation*, 1919, p. 1225.

This diagnosis, however, begs the question. It does not constitute an answer to the charge of bad faith preferred by Germany.[2] The truth is that there is no answer. Germany rightly and justly demands that the Allied Powers shall reduce their armaments to the level which they have seen fit to impose upon her.[1] If they are unable to achieve this result, Germany asks to be relieved of the restraints imposed upon her by Part V, in order that she may be able to re-arm herself up to the standard of her neighbours. This is a perfectly reasonable and just demand, which the sponsors of the Covenant cannot gainsay, even though they have entrusted the League with the impossible and invidious task of permanently supervising the administration of Part V.[2]

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[1] "A super-state or an international dictatorship—the acme of world nightmare."—S. O. Levinson, *The Sanctions of Peace*, p. 9.

[2] "The Covenant of the League of Nations provides for universal disarmament of all States. According to the Treaty of Peace, Germany is to be the first to do this. She has been forced to take this step, but no other Allied or neutral State has followed her in this course."—German Memorandum of April 20th, 1920: *Protocol and Correspondence between the Supreme Council, etc., and the German Government, etc.* (Cmd. 1325 of 1920), p. 90. In December 1927 at the Preparatory Disarmament Commission "Germany hinted that if France and other countries did not reduce their armaments, Germany must be allowed to increase her armaments to the same level."—*Annual Register*, 1927, p. 143.

VI

The Dilemma

THUS we are faced with the following dilemma. Germany proposes to re-arm. She will probably submit her case to the League. The Council may decide that Germany shall in future be relieved of her disarmament obligations. France can then adopt one of two courses. Either she will exert armed pressure, or she will proceed to increase her armaments. If she attempts the former, she will force Great Britain to take sides with Germany in pursuance of her obligations under the Pact of Locarno.[3] Thus the next generation may live to see Paris, London and Berlin reduced to ashes in a single night. France, however, following the line of least resistance, will probably adopt the second alternative and redouble her efforts in the new armament race.[1] The cycle of events in the sphere of armaments will then have been completed, and Europe will return once more to the point where she found herself in August 1914. The Great War will have been fought in vain.

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[1] "The idea that the German scale of armament should be accepted by the rest of Europe as the basis of the general scheme of reduction which they are going to adopt would probably be scouted by the other great Governments at the present time."—Baker, *Disarmament*, p. 5.

[2] Articles 164 and 213, Treaty of Versailles. A scheme of supervision and control has been approved by the Council. See p. 420, note 2.

[3] By Article 2 of Annexe A to the Locarno Final Protocol of October 16th, 1925, France has undertaken not to resort to war against Germany except in certain specified cases which cannot be construed to include resistance to German re-arming. Such a resort to war would be on her part a violation of Article 2, entitling Germany to bring her case before the Council and placing on, for instance, Great Britain the discretionary obligation to intervene under the provisions of Article 4 (3) and the absolute obligation to act in accordance with recommendations of the Council in which all members, except France and Germany, concur.

VII

The Solution

IS there no escape from this dilemma? Germany stands at the cross-roads. She can choose one of two alternatives. She can elect to precipitate a new race for supremacy, or she can take the lead in inaugurating the reign of law. The choice is simple. Morality and reason point in one direction: passion and revenge in the other. Her people have followed the discussions at Geneva. They must realise the overwhelming difficulties preventing the realisation of negative disarmament which, at best, could only be regarded as a temporary expedient. Recognising the futility of these proceedings, will she not boldly champion the cause of international sanctions?

Germany holds the strategic position. Let her challenge the sincerity of the Allied and Associated Powers. Let her submit a scheme for the creation of an international force. If the Allied and Associated Powers reject it, let the blood be upon their own heads. They will have locked both doors leading to disarmament: the Negative and Positive keys will have been thrown away. Germany will then be free to re-arm herself: she will have been compelled to do so because no other course is open. Her moral claim to equality cannot be questioned, and the Allied and Associated Powers, having failed to honour their pledges, will be driven once more into the vicious circle of competing armaments.

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[1] "Owing to the recent appearances of a new type of battleship," France contemplates the possibility of herself building ten vessels of similar type.—*The Times*, February 14th, 1930.

The French memorandum published February 13th, 1930, containing particulars of French naval needs in 1936 shows a proposed tonnage in that year of 724,479 tons. In December 1929 M. Dumesnil had stated the tonnage of the French Navy to be 422,689 tons.—*Manchester Guardian, Weekly Edition*, February 21st, 1930.

On the other hand, if Germany succeeds, she will have achieved the disarmament of her former enemies. In no other way can it be consummated. A Daniel come to judgment! What fairer prospect of closing the bloody debates between Teuton, Saxon and Gaul, which for centuries have stained the pages of history? What surer way of realising the Kantian prophecy, and of saving humanity from ruin and disaster? What nobler act of reconciliation than by heaping the coals of bitterness and revenge upon the altar of international sanctions? Germany will be acclaimed by the world as the sponsor of justice and peace. Her moral prestige, national culture and material prosperity will rise resplendent from the ashes of the past. She will have championed the cause of the Empire of Right, she will have vindicated the teaching of her greatest philosopher and will have earned the gratitude of generations yet unborn.

CHAPTER XVIII

THE BRITISH EMPIRE AND THE INTERNATIONAL POLICE FORCE

> "I confess I have the passion to wish heartily that the honour of proposing and effecting so great and good a design might be owing to England."—William Penn.

I

The Commonwealth

DURING recent years it has become customary in certain quarters to refer to the British Empire as the British Commonwealth. Can any significance be attached to this change? The conception of Empire always implies the idea of subjection or domination, whereas Commonwealth is characterised by voluntary consent and free association. If both these definitions are accepted, it follows that the agglomeration of States paying allegiance to the British Crown can be described neither as an empire nor a commonwealth. India and the Crown Colonies are subject to the domination and administration of Great Britain. The self-governing dominions, on the other hand, occupy a position of independence. Their association with the Mother Country is based upon voluntary consent.

The knights of the "Round Table"[1] and other publicists who have introduced the new Commonwealth are only concerned with the latter classification. Two reasons may have prompted them to suggest this change of title. In the first place they may have desired to popularise an institution which they felt to be losing its hold upon the electorate. "The Empire" had been dinned into the ears of the latter *ad nauseam* ever since the imperialistic revival which culminated in the South African War. Secondly, the inspiration may have arisen in deference to the feelings of the Dominions. The rulers of Canada, Australia and other self-governing parts of the Empire were sensitive on this point. Naturally they deprecated any description which seemed to suggest that they were bound by any rules or commands emanating from the parent State.[1] In any case "Commonwealth" was an innocuous description of a loosely-knit collection of States which it is difficult to place in any classification of political science.

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[1] Various societies known as "Round Table" groups were formed in the Dominions and Great Britain in 1910 with the object of considering the meaning and implications of citizenship in the British Empire. An exposition of their main ideas is contained in *The Commonwealth of Nations*, edited by L. Curtis.

The ordinary person, however, still thought in terms of Empire. In their perorations Members of Parliament almost invariably referred to "Imperial" obligations. Had they been asked in what category of States the Empire should be included, they might have been at a loss for an answer. It was not a Confederation, nor a Federation. It boasted that it possessed no written constitution nor federal assembly. The Dominion swere entirely self-governing. It was understood that in questions of foreign policy Downing Street should hold the reins. In the realm of law, appeals from the Colonial and Indian Courts could be heard by the Judicial Committee of the Privy Council.[2] The Dominions paid

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[1] "A commonwealth is a State in which government rests on the shoulders of all its citizens who are fit for government. It exists to enlarge that class and can afford to spare from its difficult task none who are equal to sharing it. A commonwealth in which the final responsibilities of government have come to be regarded as the peculiar attribute of citizens inhabiting one locality is ceasing to realise the principle of its being."—L. Curtis, *The Commonwealth of Nations*, p. 102.

[2] See A. B. Keith, *The Constitution, Administration and Laws of the Empire*, p. 31.

Examples of important cases settled by the Judicial Committee are (i) the boundary dispute between Ontario and Manitoba in which Ontario's claim was fully sustained by a decision in 1884 (see A. F. Pollard, *The British Empire*, p. 290); (ii) the controversy between Canada and allegiance to the King Emperor, whose representatives, the Governors-General, resided in the Colonies, whilst the latter in turn were represented in London by their accredited Agents-General. Conferences of the Prime Ministers representing the parent State and the Dominions were periodically held.[1]

Such, in outline, was the constitution, if such it can be called, of the British Empire before the war. When the storm broke there was a wonderful response from all parts of the globe. Australians and New Zealanders vied with Canadians and South Africans in their efforts to assist the mother country; India despatched her native troops to Europe;[2] Newfoundland sent its contingent; and from every British colony or dependency thousands of gallant men rushed to join the Colours. Many people believed that this remarkable response was to be attributed entirely to the sense of unity and solidarity of the Empire. It was in keeping with this view to describe the war as a sort of Empire cement. But, as the sequel has shown, this view expressed only half the truth.

It is not suggested that the Dominions did not prove their loyalty to the Mother Country. On the contrary, their sacrifices were unbounded. But if they were also influenced by other motives, this is no reflection upon their loyalty. They had the good sense to realise

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Newfoundland regarding a portion of the peninsula of Labrador, which was finally disposed of by the judgment of March 1927 in favour of Newfoundland. See *The Times*, October 22nd to November 16th, 1926, and March 2nd, 1927.

[1] It was resolved at the Colonial Conference of 1907, "that it will be to the advantage of the British Empire if a conference, to be called the Imperial Conference, is held every four years."—*Minutes of the Conference of* 1907, p. 5. The Imperial Conference does not possess any written constitution or even formal rules of procedure.—See Sir Cecil J. B. Hurst's Lecture on "The Status of the British Dominions," in *Great Britain and the Dominions*; *Lectures on the Harris Foundation*, 1927, pp. 35–36.

In 1923 it was decided to summon the Conference, if possible, once in every three years.

[2] See p. 355, note 1.

that their existence as free and independent communities was at stake. If the Mother Country suffered defeat, they would be at the mercy of the most powerful military State in the world. If the Allies were beaten, the ideas and ideals upon which their institutions rested would be submerged. It is to their everlasting credit that they understood the true significance of events at the outset! There was no loss of time. They threw themselves into the breach without an instant's hesitation. Three years were to elapse before another nation with similar ideas and institutions, originally an offshoot of the same stock, was able to comprehend the magnitude of the issues involved.[1]

It follows that the Dominions did not enter the war simply and solely to defend a cherished institution—the Empire. They were also impelled by the instinct of self-preservation. It is just as true that Great Britain's intervention was not prompted merely by her anxiety to rescue Belgium. She also realised that if France and Belgium were overwhelmed, her turn would come next. The plight of Belgium helped Great Britain to make up her mind and to present a united front, just as loyalty to the Empire produced the same effect in the Colonies, but in neither case was it the main reason for intervention. So long as States believe that their interests are identical and that their existence is threatened by a common foe, they will fight and suffer together, Empire or no Empire, treaty or no treaty.

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[1] "Canada, Australia, New Zealand, drawn by common citizenship under the Crown, had from the outset revealed this noble power of comprehension, and had made their decision good across broader spaces on the battlefields of three years. They had endured slaughters which no American army was destined to know, and their achievements are upon record."—W. S. Churchill, *The World Crisis, 1916–1918*, pp. 471–472.

II

The Passing of the Empire

THE most striking example of the converse of this principle is to be found in the lack of unity displayed by the component parts of the Austrian Empire. Here interests were diverse. To the Czechs and the Slavs defeat offered far more tempting prizes than victory. Had it not been for the strong arm of Germany, Austria-Hungary would have disappeared into the melting pot at an earlier stage in the struggle. The truth is that the war swept away all the great European Empires as a mighty flood sweeps away the debris which has accumulated for centuries. Austria, with the seeds of disintegration already in her system, was split up into a number of small States. The Empire of the Czars disappeared in revolution and blood, making way for a new imperialism more sinister and tyrannical than the one from which it had emerged. The House of Hohenzollern, abandoning its proud claim as the descendants of Charlemagne in the succession of the Holy Roman Empire,[1] retired into obscurity, leaving the Fatherland to adapt itself to a republican constitution. The British Empire dissolved peacefully in the Hall of Mirrors at Versailles. It proved to be no exception to the rule. Only in the manner of its passing did it present a striking contrast to the others. Draped in the flag of victory, it was solemnly laid to rest. Five Prime Ministers representing five self-governing communities, together with the plenipotentiary acting on behalf of India, attested their signatures to the document.[1] In the treaty which they signed each component part of the British Empire swore allegiance to the community of nations. Individually and severally they became members of a world confederation whose main objective was the suppression of war. Shades of Bismarck and Moltke! Barely fifty years had elapsed since in the same room they had constructed a mighty Empire based upon imperialism in its most militaristic and despotic form. What a contrast!

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[1] Speaking of his father, the Kaiser, in a speech delivered at Aix on October 19th, 1911, said, " How his eyes glistened when he told stories of the coronations at Aix, with their ceremonies and banquets, of Charlemagne, of Barbarossa and their greatness! He always closed by saying, 'That must all come again; the power of the Empire must rise and the glitter of the Emperor's crown must shine forth once again.' And it was granted him by Providence to play a large part in the accomplishment of this great work. On the bloody field of battle he helped his honourable father to win the Emperor's crown and the unity of the German people."—Christian Gauss, *The German Emperor as Shown in his Public Utterances*, pp. 300–301. See also Emil Ludwig, *Kaiser Wilhelm II*, p. 43.

Thus the British Empire merged itself in an association of nations whose aims were the negation of imperialism. It could now truly be said that the Empire had at last been transformed into a Commonwealth.

Did these Prime Ministers realise the significance of the step? As representing individual States, each became the signatory of a treaty containing a written constitution comprising twenty-six articles. They joined forty-two other nations in establishing a world court of justice, a permanent secretariat, and an International Labour Office. They became members of a world assembly which was to meet annually. What a contrast to the undefined and nebulous constitution of the British Empire; to the equipment and procedure of its Imperial Conferences. But, most important of all, the component parts of the Empire, Great Britain, Canada, Australia, New Zealand, South Africa and India individually agreed to abstain in future from acts of aggression, and to submit their disputes to the League of Nations. These obligations were not undertaken by the Empire as a single State, but each unit pledged itself independently of all the rest. There were no reservations. Even in the improbable event of a dispute arising between two of these units which could not be adjusted by the process of law or by negotiation, they were bound to submit it to the League for settlement.[1] For the future the British Commonwealth would be represented in the discussion of world affairs by six units[2] instead of one. It does not necessarily follow, however, that all these units will speak with the same voice. Ten years' experience has shown that on certain questions they may speak with different voices and vote in different lobbies.[3]

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[1] See *Great Britain and the Dominions*, p. 71.

The old conception of the British Empire is therefore no longer true. As an Empire it has vanished, to be replaced by the Commonwealth.[4] This Commonwealth, as we have seen, consists of independent States, knit together by a common attachment to a single monarch, by traditions of race and history and by common institutions. In the past its members have depended upon the mother country for their security. They have now severally assumed the responsibilities which are attached to every member of the League. They cannot, therefore, by any stretch of imagination be described as an Empire. This fact does not appear to be appreciated in other countries. Possibly it is not clearly recognised even in the British Commonwealth. It is clear that members of the American Senate failed to grasp the true significance of the change, as they have failed to comprehend the march of events in other spheres. They contended that to endow the British Empire with six seats in the Assembly was a gross injustice to other nations.[1] Obscured indeed was the vision of these politicians. Not only did they fail to appreciate the significance to be attached to the entry of five self-governing units of the British Empire, but they also

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[1] "Such disputes would be subjected, first to all the peacemaking influences within the Empire, including those of the Privy Council and the Imperial Conference itself. Beyond that—supposing one of the disputants (e.g. Ireland or a Nationalist South Africa) felt irritable towards the Empire and the other Dominions, it would as a last resort, be possible, by common agreement, to bring it before the League Council or the International Court. The League would, of course, have no right to interfere, but might be called in as an extra force for peace, supposing the forces within the Empire failed. Certainly the influences making for agreement would seem extremely strong."—Gilbert Murray, *The Ordeal of this Generation*, p. 216.

[2] Seven units since the Irish Free State was admitted to membership of the League in the Fourth Assembly, September 10th, 1923.

[3] e.g. Canada has taken an independent line in advocating the revision of Article 10 and opposing the suggested interference of the League in such matters as the international distribution of raw materials. South Africa, in the First Assembly, successfully opposed a proposal, supported by the British Empire, that Albania should be refused admission to the League. At the Third Assembly New Zealand made a strong and effective defence of her rights and position with regard to the Mandate for Samoa. Moreover, there are not a few instances of actual cross-voting in the Assembly and the Committees, e.g. in the First Assembly on the question of the Admission of Armenia to the League, Canada was against, South Africa abstained and the rest were in favour. In the First Committee of the First Assembly on the subject of the method of selecting four non-permanent members of the Council, Australia and India were in a minority on the first half of the motion, while on the, second half India was in the minority.—See further, H. W. V. Temperley, *The Second Year of the League*, pp. 164–169.

[4] The Report of the Inter-Imperial Relations Committee of the 1926 Imperial Conference marks an epoch in the evolution of the British Commonwealth. In several respects the constitutional status of the Dominions has undergone an important change. The Governor-General of a Dominion now holds, in relation to the administration of public affairs in that Dominion, a position exactly comparable with that

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of H.M. The King in the mother country. He is in no sense the agent of the British Government.—See *Summary of Proceedings of the Imperial Conference of* 1926, Cmd. 2768, p. 16.

"In India and elsewhere the governor-general or governor will still remain under the orders of the government in Great Britain in respect of all matters for which that government is responsible."—Sir Cecil J. B. Hurst's Lecture on "The Status of the British Dominions" in *Great Britain and the Dominions : Lectures on the Harris Foundation*, 1927, p. 59.

With regard to treaty-making "the cardinal feature of the resolutions adopted by the Imperial Conferences of 1923 and 1926 is the distinction between treaties which affect or are of interest only to one particular part of the Empire and those of wider import, and the leaving to the particular part of the Empire concerned unfettered control over the former while providing for consultation and co-operation as regards the latter." The same principle has been followed with regard to the sphere assigned to the diplomatic representatives appointed at Washington by two of the Dominions, i.e. the Irish Free State and Canada.—See Sir Cecil J. B. Hurst's Lecture on "The Foreign Policy of the Empire" in *Great Britain and the Dominions*, p. 90.

[1] Cf. Majority Report of Senate Committee on Foreign Relations, September 10th, 1919.—*Senate Report* 176, 66*th Congress, First Session*, p. 4.

refused to give America her rightful place in the forum of the world.

Thus passed the British Empire.

What of other great empires whose names are writ large on the scroll of history? After reaching the zenith of their power they have all perished, leaving scant traces of their former greatness. They have bequeathed to mankind the legacy of their experience; they have handed down the heritage of civilisation; then they have sunk into oblivion. Invasion and defeat marked their downward course; disintegration and internal strife accelerated their destruction. Rome is submerged by the barbarian; Spain, debauched by her colonial policy, undermined by the Inquisition, exhausted by countless wars, sinks into insignificance; Imperial France abandons her last hope of world dominion on the field of Waterloo; the mighty Empires of the East have all vanished like fleeting shadows. The Mikado's Empire alone remains. Defeat in war and internal dissensions are the symptoms of their decease, whatever the real causes may have been. In no single case did one of them by a voluntary act extinguish its imperialistic designs. Not so the British Empire. In the hour of victory, at the conclusion of the greatest war in history, it chose to go into voluntary liquidation in order that it might be able to build upon a surer foundation the Commonwealth of mankind. A Commonwealth within a Commonwealth, thus has the British Commonwealth survived. Whatever Providence may hold in store, it will always be the proud boast of future generations that the British Empire remained undefeated till the last. No stricken field marks its exit from the scene. Unlike its predecessors, it merged its interests, its ambitions, its security, nay even its unity, in a wider, more humane and nobler conception, the confederation of the world.

III

Adaptation

A DISTINGUISHED French writer, discussing the causes which have produced the collapse of empires, summarises them as follows: "Of the various causes which determined the disappearance of these ephemeral powers, one of the most constant was their inability to adapt themselves to the new conditions of existence which were produced by evolution. In obedience to one of the supreme laws of the world, they perished because they failed to adapt themselves."[1] Adaptation is thus described as the secret of political existence. Does the British nation possess in some marked degree the faculty of adapting itself and its institutions to changing conditions, to new ideas and to fresh needs? British colonial policy ever since the secession of the American States has been based upon the principles of liberty and self-government.[2] These were expressed in the constitutions of her Dominions. Four years after the conclusion of the South African War the status of self-government was conferred upon the Transvaal. Later the union of the South African Colonies was encouraged. The culminating stage of this far-sighted policy was reached at Versailles: the children were admitted to the status of nationhood. Adaptation from an empire to a commonwealth was thus achieved at one stroke.

One of the miracles of the war was the power displayed by the British Commonwealth of adapting itself to the new conditions. Again let us quote from M. Le Bon. "To transform the British mentality required a terrible effort. . . . This effort was rendered possible only by the psychological qualities of the race—indomitable tenacity, a sense of duty and a sense of honour. To these we may add a stoical acceptation of destiny when it seems inevitable."[1] Other instances will no doubt suggest themselves. It does not signify whether the process of adaptation proceeds from a conscious or unconscious realisation of the drift of events, or whether it is rendered easier by the existence of a flexible and unwritten constitution. What matters is "a stoical acceptation of destiny" and that, by practising the principle of adaptation, the British Commonwealth has hitherto been able to maintain and improve its position. It has retained its prestige and increased its power and influence. Has the limit of adaptation been reached? Obviously such a question implies a contradiction, for in the nature of things adaptation suggests progress and evolution. There can be no prolonged halt, and no standing still.

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[1] Le Bon, *The World in Revolt*, p. 58.

[2] The principles were enshrined in the famous Report of Lord Durham. See p. 532, note 2.

What then is the next step in adapting the needs of the Commonwealth to international relationships? We may refer to this under two headings. In the first place, the necessity of pursuing a thorough-going League policy. This has been aptly described as making the League the keystone of British foreign policy. No other consideration should deter the Commonwealth from acting upon this fundamental conception of the basis upon which its security rests. Although the Empire has been replaced by a Commonwealth, it does not follow that the spirit of imperialism has been exorcised. On the contrary, it pervades the atmosphere and is still extremely active. Spasmodic efforts will be made from time to time to disinter the corpse and breathe fresh life into its bones.[2] Attempts will be made to stultify the League and to hinder its development. This is only to be expected. It is the ebb and flow of the tide, and represents the inevitable reaction to the proceedings at Versailles. If, however, we believe that States are governed by the laws of evolution, these efforts are bound to fail, because they run counter to the whole process of adaptation. If the League is wrecked, the Commonwealth will dig its own grave amongst the ruins. It follows that the future welfare and security of the Commonwealth is bound up in the continued existence and progress of the international authority.

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[1] Le Bon, *The World in Revolt*, p. 61.

[2] We may note that successive British administrations have carried through the Singapore Base scheme, costing over ten million pounds, and that continuous propaganda has been organised in certain quarters for the creation of an Imperial Zollverein.

Secondly, the necessity of realising the profound changes which applied science has ushered into the world through the introduction of new destructive agencies. When the true significance of these agencies has been grasped, steps will be taken to adapt them for the only purpose for which they are required, the policing of the world.

It follows that the next step in the policy of adaptation, in order to meet the present needs of the Commonwealth, is the creation of an international force.

IV

American Policy

EVERY policy, however, is confronted with a stumbling-block. The attitude of America towards the League constitutes the chief obstacle which prevents the Commonwealth from embarking upon a policy pivoted on the proceedings at Geneva. Its reluctance to take a firm stand over the Corfu incident[1] and its rejection of the 1924 Protocol may be attributed in great measure to the fear of complications with the United States. The Commonwealth has assumed the obligations of membership in the new confederation. America obdurately remains outside, contenting herself with an air of patronage and the despatch of observers to the deliberations at Geneva.[2] Even though she may

[1] See p. 519, note 2.

[2] It may be observed that America has, within the last few years, identified herself more closely with the activities of the League, being represented by official delegations on the Preparatory Commission for the Disarmament Conference and the Commission on the Traffic in Opium.

sometimes ridicule the creation of her President, she should at least refrain from checkmating the efforts of other nations to render it more effective.[1]

Thus British politicians are placed in an awkward dilemma. With one foot in the American, and the other in the League camp, they walk warily lest their commitments to the League should bring them into collision with the authorities at Washington.

It is clear that the Commonwealth cannot pursue indefinitely two policies which are at variance with each other. It cannot wholeheartedly support the League, and at the same time dance to the strains of the American band. " He that is not with me is against me." The international authority cannot afford to delay putting its house in order until America condescends to become a member. Fifty-four States cannot be kept waiting indefinitely, whilst one nation is making up its mind. Disarmament cannot wait until the Pact of Paris has been found wanting. The search for security cannot be postponed whilst American chemists are discovering new varieties of poison gas,[2] or France produces a new batch of submarines. The dispensation of international justice cannot be side-tracked for ever because American politicians are obsessed with the danger of creating a super-State.

On the other hand, the international authority cannot embark upon the search for sanctions without the aid of the Commonwealth. Thus its progress is held up so long as the latter conforms to the alternative policy prescribed at Washington. The Commonwealth has gained nothing by adopting this attitude. It has only forfeited its self-respect in the eyes of the American nation. It has not been relieved of its war debts. It may receive in kind: it must pay in cash. The attempts to curry favour have had no appreciable effect in modifying America's attitude towards the British navy. They do not prevent a high tariff from being imposed on British goods. They have not brought America appreciably nearer the League. What useful purpose is served by subordinating a thorough-going League policy to a one-sided American entente in which all the advantages appear to be monopolised by one party? Unless the latter is intended to lead up to an Anglo-Saxon alliance, it has no point or substance. An alliance, however undesirable and whatever complications it might produce, is even more remote than America's entry into the League.

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[1] See chap. xx, p. 667.

[2] " New gases, new methods of turning them loose, and new tactical uses will be developed. Already it is clearly foreseen that these new gases will be used by every branch of the army and the navy. . . . That they will be used in the future by the air service, and probably on a large scale, is certain. . . . Thus chemical materials, as such, become the most universal of all weapons of war."—Fries and West, *Chemical Warfare*, p. 436.

If the Commonwealth does not support the League, how can it expect America to do so. If, actuated by fear of America, it forsakes the path of justice, clings to a moribund imperialism and stultifies the growth of the League, how can the American people be expected to take its professions seriously? Let the Commonwealth prove its attachment to the cause of international justice by declaring that henceforward its military and naval resources are placed exclusively at the disposal of the League. When this fact is made clear, America must either follow this example, or she may modify her doctrine of the freedom of the seas in such a way as to exclude the enforcement of international sanctions from its purview. If she refuses to take either of these courses, she will frankly declare herself as the latest recruit to imperialism. If it took America three years to come into the war, a much longer period may elapse before she elects to become associated with the international authority. The creation of an international force will probably hasten her movement in this direction. Before the war, as we have seen,[1] Presidents

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[1] Chap. II, pp. 103, 107.

Roosevelt and Taft openly advocated the establishment of an international force, whilst Congress had proposed an international navy. President Wilson shared the view that no international body could be effective unless it was equipped with sanctions.[1] The present situation in America cannot last indefinitely. It is the result of a natural reaction to the war. It represents a transition period, which will end when the American nation realises that it is lagging behind, and that it no longer leads the van of civilisation. Eventually America will range herself on the side of justice. In the meantime let the British Commonwealth take the lead in the council chamber of the fifty-four States which have joined the new confederation. Let her assume the moral leadership which, in a moment of pique and disappointment, the youthful Republic has cast aside. A good understanding between the two great Anglo-Saxon communities can only be reached on the basis of mutual self-respect. The Commonwealth seeks the friendship of America, but it is not to be bought at the price of her allegiance to the League.

V

Necessity

HENCE it follows that the policy of compromise cannot satisfy the urgent requirements of the Commonwealth. It cannot be substituted for a League policy. An attitude of indecision and a resort to half-measures will deprive the Commonwealth of the advantages of both policies. Eventually it will be driven by necessity to adopt the latter. However strongly the ties of kinship, language and sentiment may impel the British people to turn their gaze across the Atlantic, necessity will direct their footsteps across the Channel.

What are the necessities which confront the Commonwealth to-day? In the first place the existence of Great Britain depends upon her ability to supply herself with food and raw materials. If these supplies are cut off, her people will perish in the course of a few weeks. A highly industrialised community inhabiting a small territory whose people exceed 42 millions, or 470 to the square mile, draws upon the rest of the world for its daily requirements. The German submarine campaign proved that any dislocation which prevented the steady flow of imports from abroad paralysed industry and reduced the nation to the verge of starvation. It follows that the vital necessity of Great Britain is to maintain uninterrupted communication with the sources of its supplies. In the past this paramount consideration has been the bedrock of British policy. Hence the importance attached to the superiority of the British navy. To it was entrusted the duty of keeping open the lines of communication "lest townbred people starve." As in the past, so it will be in the future. British policy will be founded on this basic fact, namely, the economic dependence of the country upon its supplies from overseas.

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[1] See chap. II, p. 106.

It does not follow, however, that it can rely upon the same instruments for its security. In the past the protection of the navy, aided by a chain of fortunate circumstances, has sufficed. It may not always be so. On the contrary, it is certain that the fleet can no longer cope with the new conditions. Even during the Great War there were moments when the "wooden walls of old England" almost crumbled under the strain. A stoical acceptation of destiny may now demand that another substitute should be found to provide the new security which the development of modern science has forced upon the nations of the world.

Secondly, the economic conditions of the Commonwealth demand the reduction of its expenditure on armaments. As we have seen,[1] the resources of the nation are being drained to meet the requirements of its army, navy and air force. High taxation and unemployment are the two inevitable results. In the past

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[1] See chap. xv, p. 567 *et seq.*

Great Britain has borne the burden unaided. The cost of policing the Commonwealth has fallen almost exclusively upon her shoulders. Staggering under this load, she cannot contemplate the increase of taxation which a new armaments race is bound to involve, nor can she afford to purchase supremacy in the air and on the sea.

VI

Commitments

THIRDLY, necessity demands that the Commonwealth shall make provision for the commitments which it has already entered into. These are of no small dimensions. In addition to providing for the security of its far-flung dominions, it has also become jointly responsible for maintaining the peace of the world. In the Pacific it must protect Australia from the menace of invasion. To this end Great Britain is spending a sum of over ten million pounds[1] in constructing a new naval base at Singapore. India, Palestine and other Asiatic dependencies must be safeguarded from external attack no less than internal disorder. In Africa, similar responsibilities rest upon its shoulders.

But not only must the Commonwealth bend itself to the task of policing the Empire: it must also share in the obligations of policing the world. As we have seen, its constituent members have affixed their signatures to the Covenant. Under Article 16 they are committed to undefined and unlimited liabilities. It is true that these liabilities are only morally binding, and that each State-member has reserved the right to decide for itself when and where it shall participate in the execution of international sanctions. Nevertheless, the obligation remains. States-members, impelled by considerations of honour or necessity, may respond to the recommendations of the Council, whilst others may find excuses for a policy of non-participation. The British Commonwealth will probably be found in the former category. The invasion of Belgium was a flagrant breach of international law. France and Great Britain were compelled to step into the breach when the first shot was fired. They had borne the brunt of three years of fighting and devastation before the United States, which had always preached the sanctity of international engagements, arrived on the scene. So long as each nation is free to judge for itself whether it will participate in enforcing international law, so long will the commitments under Article 16 remain an undisclosed and unlimited liability.

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[1] See p. 471, note 2.

Next we come to the Pact of Locarno. Here is a commitment which is restricted in two senses. Amongst the members of the Commonwealth, Great Britain alone is involved. The self-governing Dominions are expressly excluded,[1] and up till now have evinced no desire to participate in the arrangement. The Pact confines itself to certain guarantees, which operate in certain eventualities. In the main it constitutes an agreement whereby Great Britain undertakes to assist Germany or France if either is the victim of aggression on the part of the other. Virtually this means that in the event of war between France and Germany, Great Britain will be compelled to go to the assistance of one or the other.

VII

The Army

THESE, then, constitute the major commitments. When they are added to the necessities enumerated above, they combine to make up the formidable load which the British Commonwealth is called upon to carry. Under these circumstances, what is the use of demanding disarmament? The Commonwealth cannot meet its pressing necessities, nor can it discharge its contractual obligations, unless it possesses the forces necessary to undertake the task. It requires an army to police India and the dependencies. It has established the reign of law in these scattered regions. The *Pax Britannica*, like the *Pax Romana*, ultimately rests upon the sanction of armies. If the British garrisons are suddenly removed, these communities will become the prey of anarchy and lawlessness. The barbarians may swarm over the frontiers. Robbery and bloodshed will become rife. The conditions now existing in China might well be reproduced. The strength of the Indian Army is 242,000 men, or one per thirteen-hundred of the population.[1] Until the people of India have reached the stage when they can be entrusted with the government of the country it is difficult to see how this force can be greatly diminished. The home or metropolitan army consists of about 110,000 effectives.[2] It is clear that the luxury of empire cannot be bought cheaply. If it is regarded as a purely business proposition, it may be doubted whether it returns a dividend. Moreover, when the figures representing the policing units abroad have been deducted from the total effectives of the British army, there remains only a slender margin to honour any commitments [3] which may arise under Article 16 or the Pact of Locarno.

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[1] Annex A to the Locarno Final Protocol, October 16th, 1925, Article 9.

VIII

The Navy

WE now come to the navy. The Commonwealth has relied upon its naval arm as its guarantor of food and raw materials. Its security was bound up in maintaining the walls of wood or iron which guarded its coasts. It has relied upon this hitherto impregnable barrier. The sea was its protection; the ocean its rampart. Consequently, naval superiority came to be regarded as an article of the British Constitution. It almost assumed the sanctity of a religious creed.[1] It became the maxim of every political party. The Lords of Admiralty held sway over Cabinets and Parliaments. But the British navy no longer occupies the proud position which it held before the war. Prior to that event the British Government sought to maintain a Two-Power standard so that its size should be equal to that of the two most powerful navies in the world.[2] Now that the German Fleet has found a resting place at the bottom of the sea, the British navy may still for a time be able to maintain this standard in Europe. War vessels, however, become obsolete so rapidly that if Germany re-enters the naval race even this superiority may be jeopardised.[3] And since the Washington Conference the Commonwealth has had to be content with a status of parity with the United States. The American navy has been increased enormously since pre-war days.[4] With the advent of the war came the blockade of Germany. This proceeding infringed the doctrine of the freedom of the seas. If, however, the British navy was to function effectively, its activities were bound to impinge upon the rights of neutrals. The interests of America as the most important neutral were immediately involved, and during the first three years of the war there was constant friction between the two governments on this score.[5] At a much earlier date an

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[1] Inclusive of the 44,000 men of the Indian State forces.—*Armaments Year Book*, 1928–1929, pp. 231, 235. Even if reservists are added, the army strength is only, approximately, 1 to 1,150.

[2] *Armaments Year Book*, 1928–1929, p. 106.

[3] "I told Winston that in my opinion we were heading straight for disaster in Constantinople, Dardanelles, Mesopotamia and Persia. As I had over and over again pointed out, our policy had no relation to the forces at our disposal, and we were incapable of carrying out our commitments."—Diary of Sir Henry Wilson, June 17th, 1920, in Callwell's *Life*, Vol. II, p. 244.

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[1] Thus the preamble of the Navy Discipline Act, 1866, states that "Under the good providence of God, the wealth, safety and strength of the kingdom chiefly depend" on the Navy.

[2] See p. 232, note 2.

[3] The construction of the German "pocket-battleship" appears to bear out this view.

[4] The tonnage of the American Navy in 1913 was 843,600 tons. In 1927 the corresponding tonnage was 1,261,700 tons.—*Armaments Year Book*, 1928–1929, pp. 1032–1033.

[5] "When Britain has been a belligerent, public opinion has insisted upon the utmost use of the navy to prevent supplies from reaching an

American Admiral had already pointed out the advantages of sea power.[1] Thus it only required the experience of the war to convince the American public, and especially its Congress, that Admiral Mahan was right in his diagnosis. They thereupon resolved that the American navy should be at least equal, if not superior, to any other navy in the world.[2] When this decision was taken in 1916 the supremacy of Britain on the sea was foredoomed. America, with a population of 120 millions skilled in the arts of industry, has every resource at her command. She possesses abundant and inexhaustible supplies of raw materials, and a highly-developed iron and steel industry, whilst her financial position is unassailable. What chance had the British Commonwealth of competing with any naval programme which such a nation might launch ? It was hopeless from the start. Once public opinion in America realised its impotence to escape from the consequences of a blockade so long as the British navy remained supreme, it was obvious that America would inaugurate a new naval policy which would prevent a recurrence of these conditions. If America chooses, she can build a navy twice the size of any programme she has yet endorsed. Her illimitable wealth, natural resources and standard of civilisation enable her to undertake such a programme with comparative ease.

Thus the absolute supremacy of the British navy has disappeared and, confronted by this fact before the

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enemy. The correspondence between the British and United States Governments in the first two years of the Great War is sufficient proof of this."—Viscount Grey, "Freedom of the Seas," in *Foreign Affairs*, April 1930, p. 327.

[1] Admiral A. T. Mahan, *The Influence of Sea Power on History*, *The Influence of Sea Power on the French Revolution and Empire*, *The Interest of America in Sea Power*, etc.

[2] "In his St. Louis speech of February 3rd, 1916, President Wilson demanded that the United States have 'incomparably the most adequate navy in the world.' His demand was echoed by Congress in the Navy Bill passed in August of the same year."—Buell, *The Washington Conference*, p. 141. See, further, p. 293, note 2.

Washington Conference, the Commonwealth with a stoical acceptation of destiny recognised it and adapted its policy to meet the new conditions.[1]

The war also produced another menace to the superiority of the British navy in the form of the submarine. This species of war-craft, although it had been invented many years before, had never had an opportunity of proving its destructive properties on the grand scale. It came within an ace of bringing the British navy to its knees, and the country to starvation.[2] It is true that the convoy system held it at bay during the closing months of the war, but had Germany concentrated all her naval efforts on the submarine from the outset of hostilities, the result might have been very different. France, a former ally of the Commonwealth, appears to have appreciated this lesson and insists upon an increase in her submarine fleet,[3] which she regards as a purely defensive weapon. Although the submarine may have disappointed its admirers as an instrument of offence against other naval craft,[4] it proved to be deadly in its assault upon merchant shipping. Possessing the characteristic that it cannot be sought out and destroyed by its own species, it becomes an even greater danger to ships of commerce unless they also can develop the faculty of submerging themselves. France flanks the English Channel. Thus this thoroughfare and the English ports within the narrow seas have become more vulnerable.[5] Whilst it is true that only the experience of another war will prove or disprove the soundness of French naval strategy, her navy will commence the struggle with this initial advantage.

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[1] See p. 293, note 2.

[2] See chap. VIII, p. 322.

[3] Cf. French Memorandum of February 13, 1930.

[4] See p. 435, note 2.

[5] " After many centuries of effort, thanks to the ingenuity of man, the intrument, the system, the martingale, is at hand which will overthrow for good and all the naval power of England."—Capitaine de Freygate Castex, *La Revue Maritime*, January 1920.

IX

New Weapons

AGAIN, the war dealt the British navy another and yet more grievous blow. Scientific discovery produced the aeroplane and poison gas. The potentialities of the new services in the naval arena may still be the subject of conjecture. The same remark might have been applied in the military sphere to both these weapons and to tanks in 1914. In 1918 all three were regarded as indispensable. One school of naval experts believes that navies will not be able to compete with the forces of the air.[1] Another maintains that they have little to fear from these new developments. Fools step in where experts disagree, and it is clear that whatever may be the sequel to this controversy the invulnerability of the navy will not be demonstrated until the next great war begins. In the meantime the Commonwealth has to run the enormous risk of having its navy annihilated by the squadrons of the air. It must go on praying that the prediction of the optimists may prove to be right, and that the prophets of woe and disaster may be confounded.

But even fools cannot help realising that ports, docks, repairing stations and arsenals can be destroyed by aerial attack. Effective bombing raids were conducted during the war. This method of offence was then only in its infancy. In the next war not only military but also naval establishments will receive their unwelcome attentions. Obviously if naval bases can be destroyed, the efficiency of the fleet will be seriously impaired, even if it is not annihilated. Thus the future security of the Commonwealth hangs upon this issue. The flow of food and raw materials from overseas may be checked at any moment. But this is not the only danger. A fleet of warships may be able to prevent the military invasion of Great Britain, but it cannot hold up an attack from the air. The heart and vitals of the Commonwealth will be exposed. If they cease to function, the whole body will be paralysed. Aerial attacks on London,[1] the ports and the centres of distribution and manufacture will place the Commonwealth in such a precarious position that the strongest navy would be powerless to retrieve the situation. Aerial bombardment with poison gas and incendiary bombs would produce unimaginable havoc in a thickly populated country. The narrow seas no longer offer a protection.[2] They may even become a veritable death-trap to a civilian population vainly endeavouring to escape from their doom, who hitherto have regarded their island home as immune from attack. Their implicit faith in the navy may even prove to be one of the causes of their undoing. France is not content with her submarines. She places her chief reliance upon her air fleet. If the destructive potentialities of her submarines in a war with Great Britain have been increased by the proximity of the two countries ; the same is true of her aeroplanes. France holds the advantage because she is not dependent upon oversea supplies, nor is her country so densely inhabited.[3]

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[1] "It is now recognised that no fleet under modern conditions is complete without an efficient Air Arm, and it is more than a remote possibility that the scale of victory might be turned by this unit in any future naval engagement."—*Brassey's Naval Annual*, 1929, p. 131. See further, p. 440, note 2.

If Germany re-arms she will also produce a modern air fleet which will be more effective than a dozen new navies. Before the end of the twentieth century the spectacle of German squadrons once more sailing over the City may be witnessed by the citizens of London. On the next occasion, however, the airmen will leave a more bloody and devastating trail.

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[1] "London, the British capital and most vital spot, is more accessible to an air attack from a possible Continental enemy than are corresponding vital spots on the Continent to air attack from Britain."—Viscount Grey, "Freedom of the Seas," in *Foreign Affairs*, April 1930, p. 329.

[2] "Long range guns that could command the Channel, mines in the sea, aircraft, submarines, the recent inventions of science, have impaired our island security, for we must ever be dependent on imported food supplies."—*Id.*, p. 330.

[3] The density of population in France, based on the 1926 enumeration, is 191.5 per square mile ; that of England and Wales, according to the 1921 census, is 649 per square mile.—*Statesman's Year Book*, 1929, pp. 12 and 846.

X

The Price of Security

HENCE it follows that the security of the Commonwealth is menaced. The danger is increased by the commitments which it has already undertaken. No longer can it rely exclusively or mainly upon its navy for protection. The latter may be able to police the Commonwealth, but it is doubtful whether it can provide adequate protection for its outlying communities. The Treaty of Washington has given Japan a free hand in the Western Pacific.[1] Even when the great base at Singapore is completed, the British navy unaided cannot prevent Japan, if she feels disposed, from securing a foothold in Australia. The commitments of the Covenant and Locarno may produce a civil war in Europe, just as a sanctionless constitution precipitated a similar catastrophe in America. A loosely-knit association of nations, each with a sword dangling at its side, may result in quarrels of the first magnitude. The new diplomacy may prove as disastrous as the old. How does the Commonwealth propose to meet the menace to its security, and provide the means of honouring its engagements ?

A preponderant navy, even if it is possible, will not suffice. Superiority on the ocean must be reinforced by superiority in the air. But even superiority will not eliminate the danger. The so-called "laws of war" prohibit the bombardment of civilian centres and undefended cities. A nation possessing a superior air force may observe this rule. On the other hand, an enemy whose operations are directed by an ambitious and unscrupulous dictator may at the outset launch a bombing attack, even with an inferior force, in the hope of overwhelming its opponents by the suddenness and directness of the onslaught, or a nation driven to desperation may resort to this method as the only chance of retrieving its fortunes. In either case, the nation which abides strictly by the rule places itself at a disadvantage, and it may only realise its mistake when its metropolis lies in ruins. Initial superiority may therefore not suffice to offset this disadvantage, to be reckoned as one of the many under which the Commonwealth will be handicapped.[1]

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[1] See p. 677, note 1.

Let us suppose, however, that naval and air superiority have been achieved. Even this will not suffice. The poison gas service and other departments of scientific research must be keyed up to the limit of their potentialities. Land fleets in the form of tanks must be organised and increased. In short, there is no end to the scientific apparatus which may be required if adequate preparation is to be made for the next struggle.

Moreover, there is the possibility of the introduction of a new and more destructive weapon. It is conceivable of course, that fortune may favour the Commonwealth in this respect. On the other hand, if it harbours no aggressive designs, it is less likely to avail itself of any new invention. But the nation bent on war will experiment with every discovery which offers a prospect of taking its enemy unawares.

These, then, are some of the implications of a new armaments race which the Commonwealth cannot lightly disregard. The policy of negative disarmament will not suffice, because it does not destroy the competitive element upon which the present system is based. The race is not yet properly underweigh : it has scarcely begun, and many years may elapse before it becomes intensified and fresh millions have to be poured out like water. Can the impoverished resources of the Commonwealth stand the strain ?[1] Has not the time arrived when it should set some limit to its commitments ? Is it not possible that a solution can be found by substituting the co-operative for the competitive system of armaments ? If Great Britain persists in her present policy, it can end only in bankruptcy. In the past she has stinted her army to provide larger subsidies for the navy. In the future she must provide for the additional requirements of the air force and the other new services. And when she has exerted herself to the utmost and superiority has been attained on paper, the security of her people will remain precarious. They will still be at the mercy of the hazard of war with the dice heavily weighted against them.

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[1] In this connection it is interesting to note that the British Government has issued instructions that gas shall not be used against any cosignatory of the Geneva Gas Convention unless that State first becomes guilty of its infraction.

What is the alternative ? It can only be found in the principle of co-operation, expressed in the pooling of armaments. As we have seen, this logical and practical application can be consummated through the creation of an international force. This policy offers to the British Commonwealth the one way of escape from the difficulties and risks which surround it.

XI

Apprehensions

WHAT are the objections to this policy ? In the first place, there is the feeling of mistrust of the foreigner. Hitherto the Commonwealth has relied upon its strong right arm. Nevertheless, in the Great War it did not disdain the assistance of its neighbours. The co-operative principle was strongly in evidence. Now it fears that in some undefined way it may be victimised by the international authority, that its supplies may be cut off from motives of jealousy or hatred, and that justice will not be meted out by the international court. But similar feelings will probably be shared by every other nation which joins in the scheme.[1] Perfection may not be attained even by an international authority, but the Commonwealth will fare no better and no worse than any other country. If all the Great Powers represented on the League are willing to surrender their armaments, from what quarter will the new menace arise? In the custody of the authority, with its preponderant forces, the security of its States-members will rest on an infinitely surer foundation. The risks which Great Britain may run will be incomparably less than those she so cheerfully endures at present. Moreover, she has already signed the Optional Clause[2] and has submitted to arbitration, amongst others, the Mosul dispute with Turkey,[3] a procedure which prior to the war she would probably have rejected.

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[1] See chap. xv, p. 567, *et seq.*

It follows that in principle and practice, Great Britain has agreed to substitute the process of law and arbitration for that of imposing her will by force. Why should she now object to assist in providing a definite sanction for the procedure to which she has already conformed?

XII

Imperial Unity

SECONDLY, the units of the Commonwealth may be divided on this question. One or more of the self-governing Dominions may refuse to join in the undertaking. As members of the League they are, of course, free to choose for themselves. They may dislike the idea of contributing towards the cost of the new security, or they may reject it on other grounds, as they have already refrained from undertaking the responsibilities of Locarno. Whatever attitude they may choose to adopt has, in the present circumstances, little bearing upon the choice of Great Britain. The necessity which compels her to safeguard the trade routes and her supplies may not be of such vital importance to them. Submarines do not menace their commerce nor air fleets their cities. Producing their own supplies of food and raw materials, they do not run the risk of being starved out in the course of a few weeks. The distance which separates them from the Mother Country precludes them from rendering her effective assistance in the event of a sudden attack, however willing they may be to aid in her defence. Before they arrived on the scene half the population of Britain might have perished of famine, asphyxiation and disease. This result would have been produced by the employment of modern weapons. The times have changed, and adaptation is the secret of existence. The ties of nationality, race and sentiment are precious heritages, but in the presence of necessity they are powerless to mould the destiny of nations or individuals.

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[1] "Countries which submit their disputes to arbitration do not lose any prestige. . . . May we be spared talk of prestige. What harm such talk may do in international affairs. It is no disgrace for a country which considers itself in the right to propose submitting a difference to judges, who will say where truth and justice lie. If the award is not favourable to itself, a country should not, after its first very natural feelings of arrogance, consider itself humiliated because it has to bow to the judgment delivered and carry it out. Every time a country thus saves a war it may be said to have won a victory, even if it loses its case."—M. Briand, September 5th, 1929. *Records of Tenth Assembly : Plenary Meetings*, p. 52.

[2] Great Britain signed the Optional Clause on September 19th, 1929.

[3] See p. 264, note 1.

Thus the self-governing dominions will decide the issue for themselves. Hitherto they have relied upon Great Britain for their security, the cost of which has been borne almost exclusively by the British taxpayer. If the latter is impelled by inexorable necessity to seek his security in the international authority, the other units of the Commonwealth, as members of the world community, must make their own choice. Since they have elected to assume an independent status, they cannot escape the responsibilities which nationhood implies.

And just as the Mother Country will find salvation in the new security, so also will her daughters. Australia and New Zealand need have no fears. The strong arm of the authority will stretch out across the Pacific, mightier in its power of protection than even the British navy, because it will already have dispelled the nightmare of aggression. Canada will find that when the nations of Europe have abandoned the race for supremacy, the substitution of an international for an imperial sanction will provide her with a far stronger guarantee of independence. South Africa, having already given unmistakable proofs of her loyalty to the Commonwealth, will also share in the benefits of the new orientation. No longer will the Dominions be embarrassed by the imperialistic proclivities of any administration in Downing Street. They will still be able to co-operate with the Mother Country for the advancement of the Commonwealth, but they will find the sheet anchor of their security in the existence of an international force.

XIII

India

THIRDLY, the objection may be raised that the creation of an international sanction may involve the abandonment of India by the Commonwealth. It will be contended that the international authority may compel Great Britain to relinquish her administration. We are not told upon what grounds this assumption is based. It is clear that until the peoples of India are in a position to govern themselves, some external authority must be responsible for maintaining law and order. Any policy which reproduced in India the conditions of anarchy now prevailing in China would not commend itself to the States-members which trade with that country. Moreover, it is unlikely that the international authority would wish to transfer the burden of administration to its own shoulders.

As we have seen,[1] the position of India is an anomalous one. Despite the fact that she is not a free and self-governing community, she has been accorded

[1] See chap. XI, p. 407.

a status of equality in the League. In any logical classification of States, she would be more aptly described as a Class "A" mandated territory. Under this system, the British people would be regarded as the trustees for the welfare and development of the Indian peoples until they reached the stage of self-government.[1] Every political party in Great Britain has subscribed to this principle.[2] They are unanimous. The only point of difference concerns the stage of development when self-government should come into full and complete operation. This may be the subject of acute controversy. It should not, however, be allowed to stand in the way of an international sanction. Nor may it be impossible to come to an understanding with the other States-members of the League and with the representatives of the Indian peoples defining the terms of the new mandate. Clearly, such an agreement must take into account the unique position which India now occupies in her association with the League. If it can also provide for the gradual evolution of a self-governing community without impairing the internal security of the Indian peoples, the problem of India will have been solved.

The Commonwealth has nothing to gain by refusing the aid of the international authority in endeavouring to reach a settlement. At present it holds India by force of arms. Its sole title is that of occupation. On the other hand, an arrangement which has been endorsed by the members of the world confederation would carry with it the imprint of international law. The validity of the title will be above suspicion. It will endow the trusteeship, so long as it lasts, with a moral authority which, should the necessity arise, could be supplemented by the employment of an international sanction.

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[1] "I look forward to the United States of India, bound by ties of love and gratitude to the great nation which served and guided them aright, playing a wonderful part in the destinies of mankind."—Sir Walter Lawrence, quoted in Nicholson, *Scraps of Paper*, p. 32.

[2] "It is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in British India as an integral part of the Empire."—Preamble to Government of India Act, 1919.

"A time not very remote will arrive, when England will, on sound principles of policy, wish to relinquish the domination which she has gradually and unintentionally assumed over this country, and from which she cannot at present recede. In that hour it would be the proudest boast and most delightful reflection that she had used her sovereignty towards enlightening her temporary subjects, so as to enable the native communities to walk alone in the paths of justice, and to maintain with probity towards their benefactors that commercial intercourse in which we should then find a solid interest."—Lord Hastings, quoted in Nicholson, *Scraps of Paper*, p. 13.

XIV

Future of the Navy

FOURTHLY, it is objected that the establishment of the international force will involve the transference of the British navy (other than those units required for policing home waters)[1] to the control of the international authority. There are two answers to this objection: first, the Commonwealth has already, with certain reservations, pledged the navy to the service of the authority and, secondly, the only hope of prolonging the existence of the navy is to be found in its inclusion in an international force. When the Commonwealth became a signatory of the Covenant and the Pact of Paris, it solemnly renounced its intentions of indulging in a war of aggression. Only one meaning can be attached to these declarations, namely, that in future it is willing to submit all its disputes to the process of law. It follows that only at the behest of the Council of the League will the British navy ever be called upon to go into action. Even in the case of a dispute with a non-member State, the Commonwealth cannot take the law into its own hands until it has exhausted the good offices of the League.[2] It is true that the members of the Commonwealth have reserved to themselves the final decision whether the navy should participate in enforcing legal and arbitral decisions affecting other States-members, nor are they pledged to repel acts of aggression directed against its neighbours. Nevertheless, they will probably find themselves compelled to do so, either by considerations of honour or necessity.[1] In any case, the navy cannot operate without the recommendation of the Council. Consequently, if it becomes part of an international force, its present function and scope will only have been extended, whilst the cost of its maintenance will be shared by all the participating States-members.

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[1] See chap. XII, p. 433.

[2] Article 17 of the Covenant. See Appendix K.

We have seen[2] that the future of all navies is menaced by the developments foreshadowed in the air. If the protagonists of the aerial battalions are correct in their diagnosis, navies may share the fate of bows and arrows when gunpowder was invented or, like the elephants of Hannibal, their vulnerability may contribute to their undoing. In any case, the policy of stabilisation of weapons offers the navies the best chance of prolonging their existence. As units of a police force where the competitive element no longer operates, the navies of Europe may attain to a respectable old age, and may still be employed in honourable and useful service. In any other sphere of activity their days may be numbered.

XV

Conclusion

DURING the last two decades the Commonwealth has weathered many storms. It has also undergone the most profound changes. It has been transformed from an empire into a commonwealth. It has merged its identity in the commonwealth of nations. It has witnessed the rise to power of a great State across the Atlantic whose national consciousness, stimulated by the war, may threaten some day to engulf it in the vortex of imperialism. The centre of gravity has shifted from London to Washington and New York. In Europe, military leadership has passed, for the time being, from the Teuton to the Gaul. Having rejected the proposals of her former ally for the creation of international sanctions, Great Britain now finds herself once more in a position of splendid isolation. On her western flank stands Ireland ; how changed from the Ireland of twenty years ago ! Thousands of miles away, the self-governing Dominions, engrossed in their own affairs, can pay scant heed to the problems which distract the statesmen of Europe. For the moment the summons to return to Gallipoli[1] and the call of Locarno fall on deaf ears. The aftermath of war is full of unpleasant experiences. Unemployment stalks through the land. The resources of the Exchequer are depleted, and taxation has reached the breaking point. But, worst of all, the supremacy of the naval arm, once thought to be impregnable, is menaced. Before the onward march of science the old security has fled. What in the past might have been achieved single-handed can now only be accomplished through co-operative effort.

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[1] " To fight in defence of his native land is the first duty of the citizen. But to fight in defence of some one else's native land is a different proposition. It may also be a sacred obligation, but it involves a higher conception. Willingly to cross the ocean and fight for strangers, far from home, upon an issue in the making of which one has had no say, requires a wide outlook upon human affairs and a sense of world responsibility."—W. S. Churchill, *The World Crisis, 1916–1918*, p. 471.

[2] See chap. XII, p. 440, and p. 637 *ante*.

And yet these changes appear to pass unnoticed, and the process of adaptation is only half completed. On the eve of Locarno a distinguished member of the British Cabinet gave utterance to these words : " The British Empire, detached from Europe by its Dominions, linked to Europe by these islands, can do what no other nation on the face of the earth can do, and from East and West alike there comes to me the cry that after all, it is in the hands of the British Empire, and if they will that there shall be no war, there will be no war."[1] It is clear that "to transform the mentality" of a British Foreign Minister "requires a terrible effort."[2] Even the experiences of the last decade have failed to make any impression. The Empire is still the Empire: the legend of "the Islands" has not yet been dissipated. The introduction of modern weapons has no significance. The existence of the League is ignored. It is enough that the fiat of the British Empire shall resound throughout the globe, and nations will hurriedly sheath their swords.

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[1] Cf. the Chanak telegram episode of 1922 when Canada virtually informed the British Prime Minister, Mr. Lloyd George, that if war broke out with Turkey, it would be Great Britain's business and not Canada's.

In 1914 the Empire reasoned, cajoled and threatened, but neither its words nor its actions prevented the dogs of war from being unleashed. Standing alone, the Commonwealth is powerless to hinder the recurrence of a great war. In combination with its co-signatories of the Covenant, it can produce a warless world. It is, however, not enough to sheath the sword: it must be handed over for safe keeping to an international authority. Only thus can the will "that there shall be no war" be translated into the practical politics of erring humanity. God grant the British Commonwealth may rise to the occasion. Having already renounced its imperial mission, let it march boldly forward to the conquest of the Empire of Right.

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[1] Sir Austen Chamberlain, March 24th, 1925: *Commons Debates*, 5th Series, Vol. 182, Col. 322.

[2] See p. 624.

CHAPTER XIX

FRANCE AND THE INTERNATIONAL POLICE FORCE

"It is impossible that some day—and I trust we shall not have long to wait—it should not be able to turn to the nations and say: 'You put your confidence in me: henceforth I feel that I am fully deserving of it: for now the League will no longer be content with execrating war and putting a ban upon it: the League has become the secular arm to punish anyone so rash as to employ that weapon.' To this end we must work continually, with a firm resolve to succeed."—M. ARISTIDE BRIAND.

I

French Policy

THE French people are justly celebrated for their logic. Discarding appearances and discounting promises, even when these are enshrined in treaties, they have applied the stern logic of facts in the realm of international affairs. The outstanding fact in the mind of every Frenchman is that his country has been overrun by the foreigner three times within the space of a hundred years. On three occasions has the soil of *la patrie* been desecrated, its homes laid in ruins, its fields devastated and its cities pillaged by the armies of the alien. French policy is mainly concerned with preventing a recurrence of these catastrophes. It demands security, which must be expressed in terms of organised force. To this end France prepared a scheme of international sanctions, which included an international force. It was discussed and rejected by the plenipotentiaries assembled at Versailles. America and Great Britain were not prepared to agree to such a drastic pooling of sovereignty. Nor, at a later date, did America fulfil her obligation to join in a treaty of alliance guaranteeing France the assistance of Great Britain and herself in the event of unprovoked attack upon her eastern frontier.[1]

Having failed to win the support of her allies in the quest for security, France looked for aid in other directions. She enlisted the support of Poland and Czecho-Slovakia in defensive alliances. She embarked upon a chauvinistic policy in her relations with Germany, and sought to sow the seeds of disintegration within the confines of the new German Reich.[2] When the futility of this policy was recognised, she took her case to Geneva and won the support of the Assembly. As a result, the 1924 Protocol was drafted and agreed to by the representatives of the States-members of the League.[3] As we have seen,[4] had this instrument been ratified, the provisions of Article 16 of the Covenant would have been clarified and defined. A large instalment of the new security would then have been placed to the credit of the nations, and a measure of general disarmament might have been reached at the conference envisaged in the Protocol, whose decisions were to be incorporated as an integral and obligatory part of the treaty.[5] During these proceedings the co-operative sense amongst the members of the League reached its high-water mark. Never since that occasion have the discussions at Geneva been inspired with such lofty conceptions, or animated by such a sincere desire to make the outlawry of war effective.

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[1] By treaties concluded on June 28th, 1919 (see *British and Foreign State Papers*, Vol. 112, pp. 213 and 216) Great Britain and the United States each undertook, provided a similar undertaking was entered into by the other, to support the French Government in the event of an unprovoked movement of aggression being made against France by Germany. "The British Parliament duly approved their treaty of guarantee. The Senate of the United States repudiated the signature of President Wilson. The joint guarantee was therefore void."—Churchill, *The World Crisis—The Aftermath*, p. 222.

[2] See p. 220, note 1.

[3] See chap. II, p. 81 *et seq.*

[4] Chap. II, p. 85.

[5] The Conference was to be convened at Geneva on June 15th, 1925 (Article 17). The Protocol was to come into force only when the Conference had adopted a plan for the reduction of armaments, and even then, if within a period to be fixed by the Conference the plan should not have been carried out, the Protocol was to become null and void (Article 21).

In the following year Great Britain once more intervened and torpedoed the whole scheme. The new security envisaged by France was again postponed to the Greek kalends. Upon the ruins of the Protocol arose the Pact of Locarno which, from the standpoint of the League and France, was an unsatisfactory alternative. The Disarmament Conference has never met.

France, balked of her security, insists upon maintaining her armaments at a high level. It is true that she has made reductions,[1] but relatively her forces have remained on a higher scale than those of her neighbours. She has assumed the military leadership of the world. She rightly insists that until a definite and practical substitute has been found she will rely upon her army, navy and air force for protection. She shares the view expressed by Hobbes that "covenants without the sword are but words, and of no strength to secure a man at all."[2] Nor can she be blamed for refusing to yield to the blandishments of those nations which are willing to forego the claims of justice for the benefits of an ephemeral peace, and are less concerned for the security of their countries than for their sovereign rights.

II

France and Disarmament

FRANCE logically maintains that if the Great Powers are honest in their professions of loyalty to the League, they cannot reasonably object to establishing an international force. Their willingness to co-operate in this project is regarded by Frenchmen as the touchstone of their sincerity. They require something more substantial than paper promises which, in the past, have failed to protect the inviolability of their frontiers. Consequently, when the melody of disarmament is chanted by the Anglo-American choir, France responds with her security refrain. Great Britain vainly suggests that submarines should be abolished ; America flourishes the Pact of Paris. France logically demands that both proposals should be reinforced by an international sanction. The Anglo-Saxon communities have not experienced the horrors of invasion, nor have their sluggish mentalities yet grasped the absurdity of any arrangement which, whilst professing to seek peace, obstinately refuses to consecrate force to the service of justice. Let France retain her military leadership ; let her refuse to destroy her submarines and war 'planes, until the British people realise that only through the creation of an international sanction can their honour be vindicated and their safety secured.

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[1] Between 1923 and 1928 the effectives of the French army were reduced from 744,556 officers and men to 617,533.—*Armaments Year Book*, 1924, pp. 442–443; 1928–1929, p. 418. The term of service has also been reduced: see p. 245, note 1.

[2] *Leviathan*, chap. XVII.

On the other hand, France cannot content herself with a policy of competing armaments. She may delude herself into thinking that her military superiority will last for ever. She may brandish the sword which has momentarily fallen from the grasp of her neighbour, only to find that it will break in her hand. A policy exclusively based on national armaments will no more give France the security she desires than will the British plan of partial disarmament.

Nor should she embark once more upon a mad adventure in search of world dominion. She might compass the overthrow of Great Britain, but what will that profit her if her own fair country lies in ruins on the morrow of victory, a prey to invasion from the east, whilst her prostrate foe, overcome by tumult, famine and starvation, is unable to pay a single milliard towards the cost of reparations ?

III

The Alternative

WHAT, then, is the alternative? There remains the policy of co-operation, to which France is already pledged. This has been expressed in her proposals at Versailles and in the Protocol elaborated at Geneva. It is not too late to revive these projects when it has been demonstrated so clearly that all attempts to achieve negative disarmament have signally failed. But, like other nations, France must pay for her security. Military superiority is not compatible with absolute equality around the Council table at Geneva. The joint force entrusted to the custody of the international authority must be constituted on a federal basis, which precludes any single State-member from assuming a privileged position. Moreover, the creation of sanctions involves the overhauling of other parts of the international machine. The *status quo* cannot be stabilised for ever, and the essence of the new security will be found in its peaceful adaptation to the new needs of the international fraternity.

France must bend her energies to the solution of these problems. She cannot afford, any more than other nations, to remain seated indefinitely upon a huge pile of combustibles, which may explode at any moment. In the international arena, let her raise anew the banner inscribed with the immortal motto of "Liberty, Equality, Fraternity." Undismayed by past rebuffs, undeterred by vague fears, let her boldly champion the cause of international sanctions. Let her people call to remembrance the sage advice of Rousseau, and pay their homage at the shrine of Saint-Pierre. Thus will the heroes of Verdun have perished not in vain: thus only will the aspirations of those gallant, blue-clad battalions, who sleep beneath their native soil, be fully realised in the security of *la patrie* and the freedom of mankind.

CHAPTER XX

AMERICA AND THE INTERNATIONAL POLICE FORCE

"I earnestly hope that we shall ourselves become one of the joint guarantors of world peace under such a plan as that I in this book outline, and that we shall hold ourselves ready and willing to act as a member of the international *posse comitatus* to enforce the peace of righteousness as against any offender, big or small."—THEODORE ROOSEVELT.

I

American Policy

THE visitor who walks along the lake front at Geneva will notice a simple tablet built into the wall, bearing the following inscription: "A la mémoire de Woodrow Wilson, Président des Etats Unis, Fondateur de la Société des Nations." If he visits the City of Washington, he will be shown the Lincoln Memorial depicting the great President surrounded by the thirty-six States of the Union. More than half a century had elapsed before the American people paid this just tribute to their illustrious leader,[1] whose iron determination and rugged faith had united them into a nation. It may well be that a future generation of Americans, whose judgment is not warped by contemporary events, and whose vision is unclouded, may accord to President Wilson the honours which they have already bestowed upon his famous predecessor. Recognising his sincerity of purpose and the nobility of his ideals, they may erect a memorial symbolic of the unity of mankind. Grouped around the President will stand the representatives of a world confederation whose origin may be traced to the Covenant of the League. His failings and shortcomings forgotten, his errors and mistakes consigned to oblivion, President Wilson will stand forth in the eyes of his fellow-countrymen and the inhabitants of the universe as the personification of international peace.

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[1] The Memorial was dedicated on May 30th, 1922.

On the morrow of completing his task Lincoln was struck down by the hand of the assassin. Wilson lived to see his plan wrecked by the machinations of his relentless foes. Inscrutable are the ways of Providence. And yet from amongst the sons of the Republic there may arise a personality who shall combine the determination of Lincoln, the fire of Roosevelt and the lofty vision of Wilson. He may inspire his people once more to renew the search for peace. Thus the non-participation of America in the adolescent stages of the League may, in the long run, prove to be a blessing in disguise. Recognising its defects and omissions, she may equip herself once more with the outfit of the pioneer. She may insist that all disputes must be submitted to the processes of law and arbitration. She may demand that a definition of aggression, the creation of an effective executive, and the provision of sanctions should all be embodied in the amended constitution which will herald America's entry into the community of States. To-day this optimistic programme will be regarded as unthinkable.[1] But as it so often happens that the unthinkable of to-day becomes the inevitable of to-morrow, we need not despair. On the contrary, we are reminded that the practical statesmen of America, Washington, Lincoln and Roosevelt, have affirmed their belief in the necessity for sanctions.

The views of Washington are crystallised in the following quotation: "We imagined," he wrote, "that the mildness of the government and the virtue of the people were so correspondent, that we were not as other nations, requiring brutal force to support the laws. But we find that we are men, actual men, possessing all the turbulent passions belonging to that animal, and that we must have a government proper and adequate for him. Men of reflection and principle are determined to endeavour to establish a government which shall have the power to protect them in their lawful pursuits, and which will be efficient in cases of internal commotions or foreign invasions. They mean that liberty shall be the basis—a liberty resulting from the equal and firm administration of the laws."[1] He applied this dictum to the thirteen States of the Union. It is as true to-day of the fifty-four States-members which have sworn allegiance to the League.

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[1] In the same way war between Great Britain and the United States is regarded as "unthinkable." "'War is unthinkable,' so Prime Minister Asquith said. A few days later Britain was at war with Germany. 'War between America and Britain is unthinkable,' we are told now. Like a refrain it runs through most discussions of Anglo-American relations. . . . It is not true. War between America and Britain is more probable than war between America and any other Power."—Denny, *America Conquers Britain*, p. 1.

Lincoln, as we have seen,[2] employed a weak sanction, which in his hands developed into a powerful instrument. Its strength was expressed, not only in the size of the federal army, but in the effect produced on the national mentality by the knowledge that this army embodied the determination of all the co-operating States to enforce justice and secure peace. Lincoln did not flinch from inflicting the horrors of civil war upon his country to assert its essential unity, and also to vindicate the eternal principle that justice must reign supreme.

Roosevelt, in the course of his tempestuous career, looked beyond the confines of his native land. He discerned the perils which beset Europe, with its huge armaments and the lust for supremacy which characterised the foreign policies of its contending nations. He also realised the significance of these factors in their bearing upon the welfare and interests of his own people. Searching for ways and means of preventing the outbreak of the approaching storm, he hit upon the plan of an international force. As we have seen,[1] this was endorsed by his fellow-countrymen, but rejected by the nations of Europe, intoxicated by their dreams of aggrandisement and world dominion. When the storm-clouds burst, he developed the idea of a *posse comitatus* composed of the military forces of neutral countries. "It is necessary to devise means for putting the collective and efficient strength of all the great powers of civilisation back of any well-behaved power which is wronged by another power. In other words, we must devise means for executing treaties in good faith, by the establishment of some great international tribunal, and by securing the enforcement of the decrees of this tribunal through the action of a *posse comitatus* of powerful and civilised nations, all of them being bound by solemn agreement to coerce any power that offends against the decrees of the tribunal."[2] He maintained that on the eve of the outbreak of the war the United States should have declared its intention of upholding treaty rights, and that it should have been made clear to the whole world that the *posse comitatus* or international police, which would include the forces of the United States, should be used to protect the neutrality of Belgium in accordance with the provisions of the Hague Treaties. Lord Grey expressed his approval of this project in these words: "If the United States had stopped the war, they would have broken militarism without a war. It would have been made clear that it was not worth while to maintain these enormous armaments if, when an attempt was made to use them for aggressive purposes, the world was brought out against them."[3] How can "the world be brought out against them" except through the intervention of an international authority equipped with the means of branding the aggressor and compelling him to pay heed to the dictates of morality and reason? How can this procedure become effective save through the existence of an international court, and the creation of an international force? How can "these enormous armaments" be dispensed with except through the establishment of a common and superior force?

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[1] Chief Justice Marshall, *Life of George Washington*, Vol. V, p. 115.

[2] See chap. VI, p. 216.

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[1] Chap. II, p. 104, and Appendix C.

[2] Roosevelt, *America and the World War*, p. 108.

[3] Viscount Grey, *Twenty-Five Years*, Vol. II, p. 140.

Roosevelt's views were shared by many of his fellow-countrymen. They were endorsed by President Taft and other leading Republicans. They formed the basis of the propaganda of the League to enforce Peace,[1] which exercised a profound influence in the country immediately before its participation in the war. President Wilson supported it when he emphasised the importance of the "major force of mankind."[2]

II

America and the War

THERE followed America's entry into the struggle. Her gallant civilian soldiers fought in Europe for less than nine months.[3] They displayed their valour on the field of battle. They rescued the Allies at a critical moment. They co-operated to bring about the final decision. But only about a third of the great army which America had mobilised and was training ever fired a shot at the enemy or even landed in France.[4] The abrupt termination of hostilities precluded their participation. The navy performed all the services within its power. It co-operated to defeat the submarine menace. But Jutland had been fought, and thereafter no opportunity presented itself of coming to grips with the enemy. The American casualties totalled 303,196[1] out of a population of 100,000,000. The corresponding figures for France and Great Britain are 4,924,800 out of 39,000,000 and 2,931,492 out of 46,000,000.[2] Three years of desperate fighting are represented in the differences between these figures.

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[1] See chap. II, p. 107.

[2] See chap. II, p. 106.

[3] The first of the new civilian (National Army) divisions arrived in France in April 1918, and entered the line in June. The first division of the old (Regular) army had landed in France in June 1917, and had entered the line in October.—L. P. Ayres, *The War with Germany*, p. 33.

[4] On November 20th, 1918, General Pershing after deducting losses reported that the combatant troops in France numbered 1,338,169. The total strength of the U.S. Army in November 1918 was 3,665,000.—*E.B.*, 12th edition, Vol. XXX, pp. 227–228.

No one will disparage the American effort or pretend that their advent did not mark the turning point in the fortunes of the Allies. But in these figures are reflected the after-results of the war as they were manifested in the mentalities of the nations concerned. France joined the League and demanded security in the form of an international force. Great Britain joined the League, but refused to commit herself to a definite sanction. America rejected the League, sanctions and all. The Kantian philosophy rang true. The measure of adversity prescribed the distance which each nation was prepared to travel on the international highway. During the first three years, whilst the communities of Europe were impoverishing themselves, America was reaping a rich harvest. During the later period she did not feel the pinch which compelled Europe to ration itself. To the majority of American soldiers the war was little more than an adventure, a thrilling experience which ended too soon. Had they entered the fiery furnace three years earlier, their impressions might have been very different and consequently the mentality of their country might also have undergone a change ; a more sobering effect might have been produced. The enthusiasm since displayed in some quarters for the exploitation of the new weapons[3] and for military training camps might have been subdued.

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[1] E. L. Bogart, *Direct and Indirect Costs of the War*, p. 272.

[2] *Ibid.*

[3] " Just in proportion as the United States gives chemical warfare its proper place in its military establishment, just in that proportion will the United States be ready to meet any or all comers in the future."—Brig.-Gen. A. A. Fries and Major C. J. West, *Chemical Warfare*, p. 438.

It is not intended to exaggerate this mentality. It represents the outcome of the war, just as the wave of crime which has swept over the North American Continent since the Armistice, as it did over Europe, is a product of the same source.[1] As in almost every other country, the national consciousness has been stimulated. It has been diverted into a chauvinistic and egotistical atmosphere. In America the new mentality has become apparent in its attitude towards the League. The pilgrimage of her army to Europe was of too brief duration. It was just long enough to enable America to absorb the insidious poisons of the European system, without being able to experience their baleful results on the battlefield. Thus the realism of Roosevelt and the idealism of Wilson have been swamped by the veiled hostility of Harding and the complacent apathy of Coolidge.

III

War Reaction

THE inevitable reaction to the war and to Europe, the geographical expression which staged it, has been demonstrated in various ways. It is true that as soon as the danger had passed America at once set to work to disband her military forces. Her great army melted almost as quickly as it had been collected. The new spirit was not allowed to establish a firm foothold in the War Department at Washington. To its everlasting credit, Congress refused to retain a huge military establishment as a permanent addition to its national institutions. In the naval department, however, other views prevailed. As we have seen,[1] a forward policy was the result of the blockade experiences early in the war. Henceforth the American navy is to assume a status of parity with the strongest naval power, and the freedom of the seas is to be protected against all and sundry. The idea of employing the fleet as the custodian of international sanctions is relegated to the background. Its chief preoccupation is to be the protection of American interests, whether these coincide with the demands of justice or are dictated by imperialistic designs. Public opinion appears to have endorsed this policy.

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[1] "While the general population of the country from the year 1910 to the year 1922 has increased 14·9 per cent., the criminal population has increased 16·6 per cent."—Report of Special Committee on Law Enforcement: *Reports of American Bar Association*, 1923, p. 416.

Similarly in England and Wales the number of indictable offences known to the police increased from an annual average of 97,924 in 1910–1914 to 109,469 in 1921–1925. The number of burglaries and housebreakings increased from 33·21 per 100,000 of the population in the former period to 45·75 per 100,000 in the latter.—*Criminal Statistics*, 1926, pp. 29–32.

It is clear, therefore, that no longer does America assume the leadership in the cause of peace. Her chair is empty in the council chamber at Geneva, and her voice does not resound in the forum of the world. Pioneer in the past of arbitration treaties, Hague Conferences and international sanctions, in the main she now adopts the rôle of the observer, although occasionally she sends delegations to attend conferences under the auspices of the League. After long delay, in December 1929 she signed with reservations the Protocol of the Permanent Court. Like a man who patronises his religion by attending church once a year, she issues the fiat denouncing war,[2] and occasionally participates in disarmament and other conferences. The most successful of these efforts was the Washington Conference which effected a reduction of capital ships and aircraft carriers. As we have seen,[3] it helped to stabilise the naval *status quo*, but it did not touch the air and land forces. Nor did it provide any permanent international machinery for carrying out the resolutions to which it had agreed.[1]

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[1] See p. 293, note 2, and p. 634, note 4.

[2] "The very State which has put forward the proposal for the outlawry of war as an instrument of national policy is simultaneously waging a war which it considers defensive, while many good and true men in America and out of it consider it indefensible. Such a fact is significant. For it is evident that the State in question thinks that the marines killed in Nicaragua are dying in a defensive war, while it is no less evident that such is not the view of international public opinion."—Madariaga, *Disarmament*, p. 41.

[3] Chap. III, p.148.

America refused to assist in liquidating the post-war situation. She declined the mandate for Armenia; nor would she lend her official aid in settling the hundred-and-one complicated problems which cried out for solution on the morrow of the war. No longer does she hold the proud position of impartial arbiter, whose disinterested judgment, declared from the detached standpoint of a new world, has been called in to redress the wrongs of the old. Her place was taken by Japan who, despite her distance from and her brief association with Europe, nevertheless shared in the work of reconstruction and gave all the assistance at her command. America, however, may only temporarily have lapsed into this mood. She may suddenly awake and throw off the inertia of the Middle West which weighs so heavily upon her politicians. And whilst she is obsessed with the fear of creating a world super-State,[2] and is content to contemplate the glories with which nature and her own stalwart sons have combined to endow her, it may be impossible at present to win her support for an international force. Fortunately, the project may be launched without her assistance, but the achievement of one of its main objects—disarmament—will depend upon America's co-operation.

[1] "The results of the Washington Conference show the weakness of such an international entente—it does not deserve the name of organisation. All of the special commissions and conferences now provided for must work throughout their home governments, through stereotyped, hidden and tediously involved diplomatic channels. The decisions of these commissions may be held up for months by the respective governments—and then rejected. Merely from an administrative standpoint the present League of Nations, with a permanent Secretariat, a well-defined procedure and an international body whose function it is to supervise affairs of international concern is immeasurably superior to Mr. Harding's sporadic talk fests, and is immeasurably more capable of carrying out the attainments of the Washington Conference than the foreign offices of each nation concerned."—Buell, *The Washington Conference*, p. 199.

[2] See p. 611, note 1.

IV

The Super-State

THE haunting idea of a super-State, whatever its precise meaning may be, seems to have been the cause of endless trouble in America. It still persists, as a dead branch clings to a tree long after the sap has disappeared. It plagued the framers of the constitution, and rendered their task more formidable: it reappeared in the time of Lincoln, and helped to create the atmosphere of the Civil War: it dominated the minds of the ultra-sovereignty protagonists of the South. Had they won the day, the United States, mother of Federalism, would never have become " one and inseparable." The same sentiments, fears and arguments are now employed to defeat an even nobler conception, the confederation of the world. Let us hope that in the wider arena, no succession of Chancellorsvilles and Gettysburgs may be necessary to expel these illusions from the minds of men.

At the moment, however, the illusion of the super-State is powerful. It is not confined to America. It governs the actions of all nations in varying degrees. In Germany before the war it manifested itself in the worship of the national State, which found its logical expression in the adoration of imperialism and militarism. It is this species of super-State which international reformers should dread. But the transference of certain international duties, defined in its articles of association, to an international authority, does not necessarily create a super-State. The power and sovereignty still reside in those communities which voluntarily entrust the authority with the execution of these duties. If any of these communities are dissatisfied hereafter, they have the right to withdraw from the arrangement in conformity with the articles of association. Ten years notice of the intention to withdraw has been suggested.

If the United States agreed to participate in the creation and maintenance of an international force, she would in no wise have exceeded her treaty-making powers under the constitution.[1] She would contract (*a*) to submit all disputes to legal and arbitral procedure[2]; (*b*) to become a party to a simple definition of aggression; (*c*) to join an executive council whose powers were strictly limited by the articles of association; (*d*) to sell or lease certain weapons to the international authority; (*e*) possibly to sell or lease certain bases or minor territories to the authority; (*f*) to pay an annual contribution to the authority towards the maintenance of the international police. She reserves the right to cancel these arrangements and to withdraw from the scheme after giving the statutory notice.

Here is a definite and businesslike contract, to which the President can affix his signature, and which the Senate can approve at any moment, without infringing the letter or the spirit of the constitution. The national army and navy, henceforth the national police or quota, cannot be moved or set in motion without the express authorisation of the President and Congress.[3] The final decision to participate directly in any coercive proceedings still remains in the hands of the constitutional authorities of the United States. Its direct commitments are, therefore, limited to the amount of its annual contribution towards the upkeep of the international police.

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[1] "The treaty power as expressed in the Constitution, is in terms unlimited, except by those restraints which are found in that instrument against the action of the Government or of its Departments, and those arising from the nature of the Government itself, and of that of the States. It would not be contended that it extends so far as to authorise what the Constitution forbids, or a change in the character of the Government, or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country."—Field J., in Geofrey *v.* Riggs, 133 U.S. 258, cited and approved by ex-President Taft in discussing the constitutionality of the proposals of the League to Enforce Peace.—*Enforced Peace*, p. 60.

[2] "It was argued against a similar provision in the general arbitration treaties with England and France, that such a stipulation constituted a delegation by the President and Senate of the authority reposed in them over the foreign relations of our Government, and therefore that it was *ultra vires*. Both upon reason and authority this objection is untenable." —W. H. Taft, in *Enforced Peace*, p. 59.

[3] "The argument which has been most employed against the League of Nations in America is that the army of the United States would be at the disposal of an international council, that American troops would thus

If this procedure constitutes the creation of a super-State, by all means let us have a super-State. It will be an infinitely more just and more humane system than the alternative of an imperial super-State resting upon the insane conceptions of ultra-sovereignty and ultra-nationalism.

V

The Pact of Paris

THIS orientation implies one paramount condition, namely, that in agreeing to the scheme a nation gives up its right to wage a war of aggression. The United States has already renounced this right. It has called upon all the other nations to follow its example, and most of them have already done so. The touchstone of its sincerity will be found in its willingness to join in the formation of the international police. For the moment it is encouraging to know that America has denounced war as an instrument of policy. During the last century she has participated in a number of wars. Having taken this preliminary step, she may be willing to carry out its implications. Ridding herself of the incubus of the super-State, and seeking guidance from those great federalists who framed her constitution, she may still direct the halting footsteps of humanity to the realisation of its destiny.

As we have seen,[1] the scheme of international sanctions may come within the range of practicability without the assistance of America. If the Great Powers which have joined the League can agree—a contingency which is neither impossible nor unthinkable—the international

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be liable to be ordered to fight at any moment for the most remote of causes, and this prospect alarms our people."—President Wilson: Miller, *The Drafting of the Covenant*, Vol. II, p. 294.

[1] Chap. XIV, p. 537 *et seq.*

force will come into being. America's humanitarian and federal instincts may prevail upon her to join the confederation, or some day she may be compelled to do so through necessity. But in the case of the European States, necessity drives them now. Necessity drove the British Empire into the war at the outset: three years elapsed before it tugged at the conscience of America. Even the sinking of the *Lusitania* failed to demonstrate to her that her security was menaced. Two years later the logic of events convinced her of this fact.

It follows that, with all the inflammable materials lying about in Europe and with the prospect of a new armaments race looming in the distance, the members of the League cannot afford to postpone indefinitely the advent of the new security. The national armouries must be ransacked lest an era of competition and mutual destruction begins afresh.

VI

The Freedom of the Seas

LET us assume that the international authority has been equipped with the "major force" in the form of an international police. What attitude will America adopt? In the first place, will she insist on maintaining the formula of the freedom of the seas when the authority is engaged in coercing a nation which has been declared guilty by the international court of acts of default or aggression? In other words, if the international court issues a writ to compel the appearance of a recalcitrant State, will America stand aside whilst the writ is being executed? Let us suppose that Italy has defaulted, and that her coasts are blockaded by the international fleet. An American trading vessel is prevented from entering an Italian port to discharge her cargo. Would America regard this act as an infringement of the doctrine of the freedom of the seas, and would she, in consequence, go to the length of becoming embroiled with the authority? Hitherto her attitude on this point has not been encouraging.[1]

It is clear that if a policy based upon a complete refusal to recognise the judicial character of the Permanent Court, of which she is now herself a member, and the arbitral procedure of the League, represents her future attitude towards an international authority, sooner or later there can be only one result. In her anxiety to promote her selfish interests she will have denied the possibility of international justice. She will have taken sides with the outlaw and endeavoured to prevent his arrest. She will have placed every obstacle in the path of the authority. On the other hand, if she is willing to recognise the bona fides of the new international regime, and to abandon her claim to trade with defaulting and aggressive States, she will have assisted in the establishment of the reign of law.

VII

Naval Competition

SECONDLY, will America regard the creation of an international force as a provocative act directed against her? It has been pointed out[2] that there is no reason why she should imagine anything of the kind. If, in a moment of pique, she brandishes her sword, the infant confederation may preserve its equanimity. Happily there are no grounds for anticipating such a spectacle. Consequently, we may assume that America will not demand a status of parity for her navy. Surely the combined navies of the world may be allowed a margin of superiority. There is, however, the remote possibility that a chauvinistic administration might precipitate a new armaments race in an attempt to achieve parity or superiority. In this event the international authority would be compelled to take up the challenge, and the country of Washington, Lincoln, and Wilson would have definitely embarked upon the race for world domination. The new imperialism will have been pitted against the reign of law. On the other hand, if common sense and reason prevail, a considerable measure of disarmament might be achieved, which in the long run would convince the great Republic that her interests, no less than the peace of the world, demanded her inclusion in the society of nations.

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[1] "In event a member of the League shall refuse to accept the judgment of the League, and shall proceed to engage in war, such war shall be regarded as illegal. It has been suggested that the freedom of the seas be denied in an illegal war, and that the United States agree to this principle. The difficulty in the way here is that the United States is not a member of the League and in principle the suggestion made would be that the United States surrender to a League, a group of nations to which she does not belong, the right or power in advance to determine what her course of conduct should be. The United States would find it impossible to accept such a program."—Burton L. French, Chairman of the Sub-Committee for Naval Appropriations: *Current History*, December 1929, p. 485.

[2] Chap. XIV, p. 540.

VIII

Isolation

THE world as it is constituted to-day requires an international authority. Without it, civilisation runs the risk of being completely submerged. America is part of the world. In common with other nations, she cannot isolate herself entirely. She has invested millions abroad. Although she is self-contained, she nevertheless trades with every nation under the sun. The enterprise of her citizens and their business organisations prevent her from becoming an international hermit. Although she imposes tariffs to exclude the products of other countries, she is nevertheless unable to exterminate foreign trade. Although she insists upon the repayment of war debts and chokes herself with gold, the impoverished nations of Europe still contrive to supply her with their surplus goods. These short-sighted policies have not redounded to her prosperity or prestige, nor have they contributed to create an atmosphere favourable to peace. If the tariffs were lowered or removed, and the war debts cancelled, the expansion of her trade and the increase of her wealth would astonish her people, whilst the causes of endless friction would be dispelled at a stroke.[1] With her vast interests scattered all over the globe, America cannot afford to remain oblivious of the trend of events in other countries. The mutual dependence of States in the economic sphere may be of less moment to her than to other communities. Nevertheless she cannot ignore this factor in her own prosperity. Consequently it is in the interests of her people, especially her bankers, exporters and investors, that other nations should conform to the laws of the world community. To out-law them will not suffice to guarantee the security of American investments abroad. Even the American navy cannot be expected single-handed to police the world.

Thus the interests of the American business community are identified with the creation of international sanctions. The policy of isolation has already been tried and found wanting. It did not prevent America from being dragged into the Great War. It is unworthy of a vigorous nation whose high standard of civilisation, population and wealth entitles it to exert a potent influence upon the affairs of mankind. In a sheltered and secluded environment the young giant cannot grow up to assume those responsibilities which are bound, sooner or later, to devolve upon his shoulders.

IX

Conclusion

HITHERTO immune from the spell which militarism has cast over Europe, boasting an unfortified frontier stretching from the Atlantic to the Pacific, America has been regarded as one of the foremost protagonists of peace. The new world has given birth to new ideals, systems and organisations, which in many instances inspired the admiration of the older communities. The latter looked to this youthful power for assistance in extricating themselves from the toils of imperialism. Hitherto they have been grievously disappointed. The American people have not realised the immensity of their power and opportunities. They have not understood how easily they could mould the destiny of the world. They have not grasped with how little sacrifice they could achieve the emancipation of the human race from the slavery of militarism. They participated in the war to overthrow this system, but instead of destroying it, they have themselves become enmeshed in its coils. They have not realised that militarism must be routed in peace time, no less than on the battlefield, and that the Armistice was, after all, only an Armistice until force had been consecrated to the service of justice.

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[1] "From the standpoint of national self-interest alone, a policy of protectionism has less now to justify it than ever before. . . . This country can never develop the foreign trade necessary to absorb the products of its factories as long as it erects a high tariff wall."—Buell: *The Washington Conference*, p. 359.

The victories of peace are more difficult and elusive than the triumphs of war, but they are more enduring. America has avoided the peace struggle. It is true that with a magnificent gesture she has outlawed war, whilst she has also sought, at the conferences of Washington, Geneva and London, to curtail expenditure on naval armaments. But she has held aloof from the infant League, and she has failed to lead the nations along the highway which Roosevelt pointed out more than twenty years ago. America can make her choice. She can elect to become a great Empire, mightier than Rome in the hey-day of her power. Her greatness may eclipse all those ephemeral Empires of the past. But in the end she will share their fate.

On the other hand, her people may decide to co-operate with other nations in establishing the reign of law. Reflecting upon the lessons of their history, they may conclude that in the principle of federalism they will once more find salvation for themselves, and deliverance for mankind.

CHAPTER XXI

JAPAN AND THE INTERNATIONAL POLICE FORCE

"We must begin our work and continue it methodically. Japan will be the first to give her whole-hearted support to all efforts in favour of peace and concord."—VISCOUNT ISHII.

I

The Status of Japan

SINCE the days when Commodore Perry entered the harbour of Yokohama and brought the Island State into contact with Western civilisation, the progress of Japan has been remarkable and rapid. Throwing off the shackles of feudalism, its people have adapted their politics, education and industry to the needs of their country and the requirements of the modern world. Richly endowed with the faculty of adaptation, they quickly copied the organisation and methods of Europe and America. Imbued with a spirit of sturdy independence, they refused to barter their freedom for the doubtful and ephemeral advantages of foreign penetration. Carefully discriminating between the social and political systems of their newly-discovered friends, they selected from each the institutions best suited to their own needs. Finally, at the conclusion of half a century, they were entitled to rank amongst the highly civilised countries of the globe. Alone amongst the nations of Asia, Japan has attained a standing and culture which have given her a status of equality with the nations of Europe. She represents the connecting link between the great Asiatic communities and the white races of the West.

It follows that in any scheme which seeks to establish a world system of law, Japan's help is indispensable.

This fact has been realised increasingly since the war. When America retired into her shell, the co-operation of Japan became invaluable in the discussions at Geneva. From her detached position she has brought to bear upon the problems of Europe an impartial and unbiassed mind. She has saved the League from becoming a European institution. Her membership has given it a world significance. She has identified it with the interests of Asia.

II

China

CHINA, in the throes of anarchy and revolution, is precluded for the present from exercising her influence in international affairs. Although she is a member of the League, it appears to be incapable of assisting her. It has done nothing to extricate her from the present deplorable condition. This result may be due to the unwillingness and inability of the contending Chinese authorities to seek the assistance of the League, to the lack of any effective instruments at its disposal and to the attitude of America. In the long run, however, the problem of China, like that of India,[1] is an international problem, which can only be solved through the good offices of an international authority, equipped with the means of protecting China from external aggression, and of rendering assistance in rehabilitating her internal administration. The policy of reconstruction which the League has already successfully applied to Austria and Hungary may be reproduced in China on a larger scale. Until China has been equipped, however, with a stable government, and the existing chaos has been replaced by a system of law and order, she is precluded from exercising a potent influence in the affairs of the League. Consequently, for some time to come, Japan will be called upon to bear the brunt of the responsibility of representing the interests of the Far East within the circle of the new confederation.

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[1] See chap. XVIII, p. 644.

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III

Policy of Japan

HOW does Japan regard the proposal for the creation of international sanctions? Will she continue to pursue the policy of co-operation with Europe or, dazzled by the alluring prospect of extending her dominions, will she seek to realise the ambitions of the great leader Hideyoshi?[1]

When Japan discarded the isolation in which she had been enveloped for two hundred and fifty years,[2] she soon discovered that the nations of Europe measured their standards of civilisation, prestige and authority in terms of organised force. The scale of armaments represented the degrees of influence exerted by the Great Powers. No nation could aspire to the rank of a Great Power unless it was equipped with all the paraphernalia of war, which would enable it to impose its will upon the weaker brethren, or to protect itself against the assaults of its neighbours. Japan learnt the lesson quickly: she armed herself rapidly in the most modern fashion.[3] What she lacked in economic resources was more than compensated for by the patriotism of her people, the valour of her soldiers and the skill of her seamen. With the example of Great Britain before her, she readily understood the significance of sea power in the affairs of an island State. Her mariners, inured to the hardships of the sea, provided the material with which the policy of expansion could be realised. Thus in 1894 she encountered China and, after annihilating the Chinese fleet, signed the Treaty of Shimonoseki, by which China recognised the independence of Korea and ceded to

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[1] Cf. Ballard, *Influence of the Sea on the Political History of Japan*, p. 44 *et seq.*

[2] "The death of Hideyoshi and the end of the Korean War marked the close of one sharply defined period in the national affairs of the Japanese people and the opening of another, in which, for the space of two centuries and a half, they had no external history whatever."—*Id.*, p. 73.

[3] *Id.*, p. 124.

Japan the Liao-tung peninsula and the portions of Southern Manchuria bordering the peninsula and Korea. Ten years later she crossed swords with the empire of the Czar. The Russian advance eastwards, culminating in the seizure of Port Arthur, had menaced the security of the Mikado's kingdom. The Russian fleets, however, shared the fate already meted out to the Chinese flotillas, whilst the Japanese armies completed the discomfiture of the enemy. The Treaty of Portsmouth consolidated Japan's position on the Asiatic mainland. Henceforth, having displayed her prowess on the ocean, and having proved her mettle on the battlefield, she was entitled to rank as one of the Great Powers of the world.

Ten more years elapsed and again the battle flags were unfurled. War was declared upon Germany, and her forces were expelled from the Shantung Peninsula. Thereafter, whilst the European nations were engaged in destroying each other, Japan gave rein to her imperialistic proclivities. In China and Manchuria, and afterwards in Siberia, she endeavoured to impose her will and to subjugate peoples and territories to the fiat of Tokio.[1] In the midst of this militaristic adventure, she was summoned to the Hall of Mirrors at Versailles. Here she collaborated with her allies. She joined them in pronouncing the verdict upon another nation whose imperialism and militarism had always been regarded as unassailable. The Japanese junkers must have felt the irony of the situation. Here they sat in judgment upon a great military nation whose army they had taken as the model upon which to fashion their own.[2] Japan helped to frame the treaty of peace. She joined the new association of nations, and was accorded a permanent seat on the Council of the League.

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[1] Cf. Buell, *The Washington Conference*, pp. 9–39.

[2] "In 1894 the whole Japanese army and a large section of the educated public regarded the German Empire with great admiration."—Ballard, *Influence of the Sea on the Political History of Japan*, p. 177.

Thus during the seventy years which had elapsed since the visit of Commodore Perry, she had made great strides.

IV

The Progress of Japan

NOR was her progress confined to the cult of war, reflected in the territorial expansion of her kingdom, and in the size of its armaments. It also manifested itself in other spheres. In politics, education and commerce she copied and successfully applied the systems of the West. Democratic institutions took root in a soil which was hardly conducive to their growth. If their development has been slow, it is astonishing that they have fared so well. Superimposed upon a feudal system, the democratic movement has, with each successive extension of the franchise, gathered momentum at the expense of oligarchy and the power of the clans.[1] In the realm of education, Japan has not lagged behind. Her students have graduated in foreign universities, whilst national colleges and schools have sprung up in every part of the country. The claims of scientific research have not been overlooked in her seats of learning ; nor has industry been forgotten. Factories have been built, manufactures encouraged and an imposing industrial fabric has been reared. The national culture and wealth has thus expanded.

For these achievements alone, Japan deserves the admiration of the world, and is entitled to her place in the van of civilisation.

Hitherto her foreign policy may have been inspired by the imperialistic ideals which she had absorbed from the nations of Europe. Will she now be prepared to co-operate with them in inaugurating the reign of law or will she elect to rely exclusively upon her own strength for the maintenance of her predominant position in the Far East?

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[1] The original electorate (1890) numbered approximately 450,000. In 1900 and in 1918, increases to 1½ millions and to 3 millions, respectively, were made. The Manhood Suffrage Law of 1925 abolished all property qualifications and the existing electorate is over 9 millions.

V

The Navy

JAPAN is pre-eminently a naval power, and the ratio agreed upon at the Washington Conference gives her a relative strength which renders her fleet unassailable in the Western Pacific.[1] No other navy can compete singlehanded with the Japanese forces in home waters, because they lack naval bases in the Far East. Without an overwhelming superiority in numbers they would probably share the fate of Admiral Rodjesvenski and his ships.

Thus it follows that in every scheme of naval disarmament based upon the Washington ratio of 5, 5, 3 as between Great Britain, the United States and Japan, her relative strategic superiority will be maintained, and in Far Eastern waters Japan's position will be impregnable. Only in the event of America and Great Britain joining forces would her supremacy be endangered.

In the past the two island States, Great Britain and Japan, have been associated in a close alliance. Their naval staffs co-operated in framing schemes of mutual defence which were amended from time to time as circumstances dictated.[1] America frowned upon this pact, and before the Washington Conference assembled the treaty had become practically a dead letter.[2] But, as both these States have signed the Covenant and the Pact of Paris, it follows that the only occasion when they can employ their navies is in pursuance of the provisions of Article 16 of the Covenant. Consequently, unless one of them assumes the rôle of the aggressor, the British and Japanese navies will be found fighting side by side. As both nations have relinquished the right to make war upon their neighbours, their fleets can only be used in future to enforce the decisions of the international authority. Thus the old liaison which used to exist between the island fleets may be resumed, in an even closer association, under the auspices of an international authority. On this occasion they will have joined together to co-operate with other nations in policing the world. Having abandoned their imperial missions, they will henceforth stand shoulder to shoulder as the guardians of peace and the protectors of right.

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[1] "For any attack on Japan as matters now stand the enemy must be in possession of a fleet about three times as powerful as that of the defence, because no other country has a fully equipped modern naval base and arsenal in the Eastern Pacific capable of docking two or three of the largest battleships simultaneously, or of removing guns 100 tons in weight; or of manufacturing wholesale supplies of heavy calibre ammunition; or lastly, of storing the millions of tons of oil fuel required by a twentieth century fleet in war. Without such a base in easy reach a large proportion of the attacking fleet—probably a third—must constantly be at some distance from the theatre of operations; while the force actually on the spot must always be twice as strong as the defence if any effective watch or blockade is to be possible. No Power exists at present in a position to undertake such a task."—Ballard, *Influence of the Sea on the Political History of Japan*, pp. 291–292. This passage was written before the standardisation of navies at the Washington Conference, but the ratio of 3 to 5 given to Japan permanently makes her position in the Western Pacific supreme.—Cf. Buell, *The Washington Conference*, pp. 164, 186, 200.

VI

Economic Position

JAPAN, like Great Britain, is confronted with the problem of maintaining upon a comparatively small territory, inadequately endowed by Nature with the means of subsistence, a large and increasing population. Consequently she is faced with three requirements ; an outlet for her surplus population, access to sources of raw materials and a market for her manufactured goods. The economic welfare and existence of her people mainly depends upon their ability to import raw products for their industries and to export the finished articles to foreign countries.

From time to time stress has been laid upon the emigration problem. The rapid increase of population seemed to emphasise the need for colonies which could absorb this surplus. The situation was aggravated by the attitude of the United States and Australia, which prohibited the entry of Japanese settlers into their territories. Whatever reasons may be advanced for the exclusion of Japanese labour and the right of America to maintain a high standard of living and wages, there is no excuse for a policy which restricted the normal intercourse between two civilised nations. The abrogation of the "Gentleman's Agreement," regulating the intercourse between the nationals of the two countries, by America,[1] was an unwarranted and undeserved insult hurled by America at Japan.

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[1] Cf. Ballard, *Influence of the Sea on the Political History of Japan*, p. 184.

[2] Cf. Buell, *The Washington Conference*, pp. 133–134, and *Survey of International Affairs*, 1920–1923, p. 486.

Japan has sought to find outlets for her emigrants in Hokkaido, Manchuria and Korea, but these efforts have met with scant success.[2] Other schemes, notably the Brazilian offer of land and subsidies, have produced little better results.[3] We can only infer that the Japanese are disinclined to emigrate, provided that they can secure employment and the means of sustenance in their own country.

The industrial development of Japan has been achieved in spite of her lack of mineral resources. Nature has not been lavish in her gifts. The deposits of coal, iron ore and other minerals are restricted in quantity. Japan must, therefore, rely upon other and external sources of supply. It is equally important that she should be able to sell her manufactured products abroad. High tariffs, especially in America, restrict her markets[4] and she is confronted with the difficulty of finding an outlet for her exports. In the past she has, therefore, been driven by economic necessity to embark upon an imperialistic policy. She has endeavoured to secure exclusive privileges of trading in China and elsewhere. She can hardly be blamed for these proceedings, since other nations have adopted equally selfish policies of commercial exploitation.

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[1] In 1907 the Japanese Government agreed, without surrendering any of their treaty rights, to limit the emigration of their subjects to the United States. In 1924 the U.S. Congress, alleging that Japan had not limited her emigrants, enacted the Immigration Restriction Act.

[2] Cf. Buell, *The Washington Conference*, pp. 340–341.

[3] *Id.*, pp. 341–342.

[4] *Id.*, pp. 359–360.

Will Japan renounce her policy of territorial expansion? She can hardly be expected to do so unless she is accorded fair and equal treatment in the economic sphere. If the policy of the "open door"[1] can be applied impartially to all the dependencies, mandated territories and spheres of influence belonging to the associated nations in the new confederation, the economic pressure in Japan will be relieved. The necessity of finding outlets for her surplus population might then be obviated and, like Great Britain, she would find in commercial and industrial expansion the means of sustenance for her people. The nations of Europe should hesitate before they refuse to pay any reasonable and fair price for the co-operation of Japan. Without her aid they cannot undertake singlehanded the policing of the world; they cannot rid themselves of the incubus of armaments, which taxes their exchequers to the breaking point.

Here is a policy which may offer a measure of economic security to Japan and ultimately redound, through a freer interchange of commodities, to the economic prosperity of every country.

VII

Dangers of Imperialism

THERE are two other considerations which should induce Japan to participate in the creation of an international force. In the first place, she depends upon her navy, not only for the defence of her shores, but also for any measures of offence which she may decide to undertake. The value of her fleet as a defensive weapon may remain, but its potentialities in the sphere of offence may be seriously impaired. We have seen that in the future the naval arm may be dominated by the fleets of the air.[1] In the past, the navy might have descended upon a distant territory as the precursor or indispensable adjunct of invasion by a military force. In the future, an attack of this kind may be rendered difficult, if not impossible. The country which is being invaded may possess no navy, but if it can muster an air force of sufficient power, it may be able to paralyse the activities of the enemy's fleet and render the invasion abortive. Any navy which was compelled to operate at a long distance from its base might, therefore, find itself in a precarious position. Unless it was equipped with an enormous number of aircraft carriers, it would be powerless to ward off the bombing attacks of its adversary.[2] In these circumstances the expeditionary force might find itself marooned and cut off from its base of supplies, a fate which overtook the Japanese expedition to Korea in 1592 when Admiral Yi-Sun, with his new armoured ship, destroyed and scattered the Japanese navy.[3] Moreover, under the Washington Treaty the number of aircraft carriers has been reduced to slender proportions,[4] and this provision undoubtedly confers a further advantage upon the forces of the defender. Thus it will be seen that the offensive powers of navies have been seriously curtailed, and that therefore their maintenance for this purpose is a useless extravagance. This fact has a bearing upon any imperialistic policy which any nation may be tempted to pursue.

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[1] See p. 589, note 1.

Secondly, if Japan declined to join in the enterprise of creating an international sanction, preferring to embark upon some new military or naval adventure rather than to collaborate in the provision of a police force, it is conceivable that she might find herself opposed by the joint forces of America and Great Britain. In these circumstances the bid for absolute supremacy in the Far East, inspired by the hope of dominating the affairs of China,[1] might recoil upon the heads of its instigators and deprive Japan of many advantages she has already gained.

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[1] See chap. XII, p. 440, and chap. XVIII, p. 637.

[2] Cf. E. F. Spanner, *The Naviators*.

[3] Cf. Ballard, *The Influence of the Sea on the Political History of Japan*, pp. 51–57.

[4] Washington Treaty for the Limitation of Naval Armament, chap. I, Article VII.

VIII

Conclusion

IN the long run, however, the interests of Japan, like those of every other nation, are bound up with the advent of the new security. An appeal to the bar of international justice, rather than to the arbitrament of the sword, will ultimately secure for her people the rewards of their industry and progress. Never again will they have any cause to fear the foreign domination of their island home. The equality of status they have already achieved will be permanently guaranteed in the new confederation, and amongst the nations of the East they will once more have vindicated their proud position in the van of progress.

The kingdom of the Mikado has displayed remarkable powers of adaptation. With an unflinching and discriminating determination, it has moulded its national policy to meet new conditions and necessities as they arose. It has forged ahead, realising that the secret of existence is to be found in the principles of evolution and adaptation. The needs of the twentieth century demand that Japan should join the Western nations in inaugurating the reign of international law in order to save a civilisation which she herself has embraced. She cannot retrace her footsteps to the isolation of a century ago. But she can march forward towards that Rising Sun whose beams shall tinge the frontiers of the Empire of Right.

[1] Cf. Buell, *The Washington Conference*, p. 5.

CHAPTER XXII

THE PSYCHOLOGICAL EFFECTS OF AN INTERNATIONAL POLICE FORCE

> " Segurdod yw clod y cledd
> A Rhwd yw ei anrhydedd." [1]
> —EMRYS.

I

The Combative Instinct

AT this stage we may pause to consider the probable effects of the creation of an international police force upon the mentality and international outlook of those peoples who combine in the undertaking. Hitherto they have regarded war from several standpoints. The combative instinct in human nature is highly developed. Of all the animals man is the gamest. He will fight to the death even when his reason tells him that his fate is sealed. The dumb beast, on the other hand, is driven to his final defeat by the primitive passions of rage and fury. Man, however, is also distinguishable from the beasts by his ability to exercise self-control which, crystallised in the form of habits, enables him to keep his combative instinct in check.

As an aid to his powers of self-control, customs have developed into law, imposed by the consensus of opinion of the community in which he lives. At a subsequent stage in his development, the community has seen fit to impose a further restraint upon his passions by the imposition of penalties and the creation of the means of enforcing them.[2] Thus in civilised communities the combative instinct has been either suppressed or directed into new channels, manifesting itself, for example, in electoral campaigns and political discussions no less than in the proceedings of the courts of law.

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[1] This couplet from the works of the Welsh poet, Emrys, may be translated : " Disuse is the honour of the sword, rust is its glory."

[2] See chap. IV, p. 157.

Nevertheless, there are occasions when the passions of the moment submerge these safeguards like a river overflowing its banks, or the safeguards themselves have been strained to breaking point through patent abuse and acts of tyranny. The flood of violence is then let loose, and for a season the combative instinct is allowed free play.

In the international sphere this instinct seldom slumbers. It is goaded to assert itself by all manner of agencies, some of which operate in the open whilst others work in the dark. The Press, for instance, is a constant irritant, loudly proclaiming the backslidings of every country other than its own,[1] whilst the armament firms prefer to stimulate the combatant spirit by devious and subterranean methods.

Until the advent of the Great War, instead of being curbed and diverted from the path of violence, this national propensity was fomented by every conceivable means. If it showed signs of slackening its pace, it was flogged unmercifully. If public opinion, influenced occasionally by morality and reason, became restive, the aid of patriotism was invoked. Thus the combative instinct inherent in the nature of man, inherited from his ancestors, the cave dwellers, was encouraged in his international surroundings whilst it was restrained in his national environment. In these circumstances there could ultimately be only one result, namely a resort to war.

Here is a contradiction which it is difficult to explain.[2]

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[1] "Almost everywhere (the Press) tends to embitter racial animosities and make more difficult the preservation of international peace."—Viscount Bryce, *Studies in History and Jurisprudence*, Vol. II, p. 493.

[2] "If the social order were really, as is pretended, the work not of passion but of reason, should we have been so slow to see that, in the shaping of it, either too much or too little has been done for our happiness, that each one of us, being in the civil state as regards our fellow-citizens, but in the state of nature as regards the rest of the world, we have taken

To attribute the blame to human nature is no answer, for violence was and sometimes still is a characteristic of the relationships between individuals, nor unfortunately has it been entirely eliminated between contending groups in the internal affairs of States. In the international realm, however, it has been the rule rather than the exception. The factor of human nature applies equally to all three relationships, and therefore it cannot be cited as the root cause of this apparent contradiction in the national mentality towards the employment of force. The result has been to stabilise, if not to increase, the combative instinct in the international sphere. Consequently, the national mentality in its attitude towards war has undergone little change. Until 1919 war was generally regarded as an inevitable institution, a necessary though perhaps unpleasant part of the social intercourse of the universe. In spite of the lessons of the Great War many people, probably the majority, still appear to hold the same view.[1] It is clear that so long as this fatalistic doctrine is uppermost in their minds war, in the sense of a duel between nations, will still be regarded as the ultimate, if not the normal, arbiter in the settlement of international disputes.

How can this mentality be changed? Ingrained in the national fibres by centuries of conflict and violence, how can it be exorcised from the international system? To see is to believe where no amount of argument will prevail. When nations have actually witnessed the transference of superior force to an international authority, they will at last be convinced that the era of peace

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all kinds of precautions against private wars only to kindle national wars a thousand times more terrible, and that, in joining a particular group of men, we have really declared ourselves the enemies of the whole race."—J. J. Rousseau, *A Lasting Peace through the Federation of Europe*, trans. Vaughan, p. 38.

[1] "The affective memory of the nations is so short and the sentimental and mystic impulses which hurl them against one another so powerful that our hopes of peace for the future are very uncertain. . . . The wind of madness which has blown upon the world is not yet stilled."—Le Bon, *The World in Revolt*, p. 134.

and justice is at hand. The national mind will henceforth slowly begin to realise that war is a crime which should and can be punished. No longer will this institution be regarded as a duel staged to satisfy the combative instincts of the belligerents.

II

Causes of War Mentality

MANY theories and causes may be cited which in the past have helped to produce the war atmosphere and mentality. Amongst these are the following.

First, war was regarded as an instrument of policy, which could be employed to attain some political object as, for example, supremacy over a neighbouring State, the acquisition of new territory or the control of economic resources. The condition of readiness for war was considered to be the hallmark of prestige and authority.

Secondly, war was regarded as inevitable. It was the only means of settling disputes in which the honour or vital interests of the nation were supposed to be involved.[1]

Thirdly, war was regarded as a duel or trial of strength between nations or groups of nations. As such, it contained an element of adventure, nobler and more inspiring but akin to other forms of manly exercise and sport. How many adventurous spirits in every country before the Great War longed for this thrilling experience ?

Fourthly, war was regarded as the sole means of self-defence. The armaments race was costly, but there was no alternative. Cadet corps, volunteers, territorials, the system of conscription, were all based on this fundamental conception.[2]

Fifthly, war was regarded as a cult or an end in itself. In countries like Germany and Japan the military machine dominated the political parties and intruded itself into every department of national activity. Industrial, financial, educational, literary and even religious institutions were smitten by this fever.[1] In almost all countries the armed forces took precedence in the esteem of the peoples over all other institutions.[2] Military and naval rank overshadowed the peaceful professions. In the eyes of the populace, bishops and ecclesiastics of every variety faded into obscurity on occasions when military and naval uniforms enlivened the scene. Every conceivable pomp and circumstance was present to instil martial ardour into the minds of the masses. Reviews, warlike spectacles, manœuvres, gorgeous though prehistoric uniforms, military bands and all the other frills and trappings of war were and still are in constant request to popularise the art of human slaughter.

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[1] Thus arbitration treaties in the past have commonly excluded disputes involving national honour or vital interests. See p. 11, note 2.

[2] See chap. VI, p. 245.

Sixthly, war was regarded by groups of people in every country as a profitable business. These groups—the armament firms and financial concerns engaged in exploiting semi-civilised communities—though relatively small in numbers, were extremely influential. They controlled newspapers and lost no opportunity of bringing pressure to bear upon ministers and cabinets. They sold their products to all nations indiscriminately. They exercised a constant and sinister influence upon the public mind.[3]

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[1] See chap. VII, p. 285.

[2] " Citizens are called upon to make immense sacrifices for their own country, on the ground that cosmopolitanism is an idle dream, and that service under arms, universal or vicarious, is the only way by which our hearths and homes can be protected. The army and navy of each country are, therefore, credited with a peculiar sanctity, as representing not merely the prestige, glory and honour of the Fatherland, but the very possibility of its existence. Without these national guards—so the theory runs—we cannot live. The first business of the State is to maintain them, to increase them with every increase of force in a neighbouring nation, and, on the ground of the personal and national sacrifices they embody, to surround them with every mark of public honour, and even with religious sanctions."—G. H. Perris, *The War Traders*, p. 4.

[3] " If they are patriots, it is a new and singularly impartial kind—British on Monday, Russian on Tuesday, Canadian on Wednesday,

Seventhly, war was regarded as the last refuge of the discredited monarch or politician. When internal unrest approached the danger point, how simple to divert the righteous wrath of the people from their rulers into the channel of hostilities against their neighbours.[1] What surer way of regaining popularity than by appealing to the martial instincts of one's fellow-countrymen? What fairer prospect of eternal fame, and incidentally of winning an election, than by standing on the prostrate form of a vanquished foe? [2]

Eighthly, war was regarded as the adjunct of patriotism. "My country, right or wrong" tersely embodies this creed. This particular twist in the national mentality is often associated with some form of religious sanction. For instance, one is reminded of the popular songs, "This was the charter of the land, and guardian angels sang this strain—Rule Britannia," and "God who made us mighty, make us mightier yet."

III

Education in War

NINTHLY, war has been regarded as the institution which has made the greatest contribution to the progress of the world. Hence the importance which historians have accorded to war in their records of national events. Generally speaking, every history book is a chronicle of human activities in which violence plays a prominent part. The impression left

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Italian on Thursday, and so on, as orders may be got from China to Peru. . . . These are not the kind of men to wait upon the fortunes of political parties; they make their own politics, they make their fortunes by moulding international relations to their will."—Perris, *The War Traders*, p. 17.

[1] See chap. 1, p. 48.

[2] This dominance of the Japanese militarists was thus secured by the Chinese War. "The psychology of war, which deadens all morality, had awakened the chauvinism of the people. As a result, their insistence for democracy succumbed to an insistence for blood. The conquest of war over liberalism was complete. The military party has ruled practically supreme in Japan down to the present day."—Buell, *The Washington Conference*, p. 366.

on the mind of the reader is that history represents merely a succession of wars. A schoolboy, on being told that the League of Nations was intended to abolish war, remarked, " Then we shall have no more history lessons to learn."

The glorification of militarism in history, literature and music, the space devoted to the exploits of generals and admirals, the background of national pride in these achievements, foster in the youthful mind an entirely wrong impression of the attributes of war. The combative instinct is encouraged. At an early age toy soldiers and battleships, always a leading attraction, assist in the process of forming a bias in favour of war.

A father who wishes to bring up his son as a safe sportsman will chastise him for pointing an unloaded gun at anyone, even in play. To inculcate a subconscious habit of safety, this practice is absolutely forbidden. The same father, however, remains unperturbed if his boy, in the course of play or during his school career, points the international gun at all and sundry.[1] Subsequent steps in his educational career tend to create in the boy's mind a false standard of values.

In comparison with other activities, the military profession holds the leading and most distinguished place. The suggestion that membership of a police force offered a still more honourable and useful career would probably be received with coolness ; certainly not with enthusiasm. When force becomes subservient to the law, it appears to lose much of its glamour and attraction.

Thus it will be seen that education in its widest sense—the impressions received during childhood and adolescence, which eventually constitute the national mentality—has contributed towards the continuance of war.

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[1] The Japanese battleship *Mutsu*, one of the largest and most powerful battleships afloat, was built out of subscriptions by schoolchildren and the general public. The sentimental value attached to it by the Japanese public caused the Japanese delegation at the Washington Conference to insist on its retention, even though its retention involved a cost of some £16,000,000 to the British taxpayer.—Cf. Buell, *The Washington Conference*, pp. 159–161.

IV

The Antidote

THESE are some of the ideas and motives which have assisted, amongst others, in moulding the attitude of every nation towards war. From age to age, century to century and generation to generation they have varied in degree and intensity. In certain nations, as in individuals, the warlike instinct is much more highly developed than in others. It flourishes for a period and then declines, having drained its victims of their lifeblood and prosperity.[1] The mentality, however, still persists. The scene may be shifted, but the intellectual horizon remains the same. Germany forced the pace yesterday: Italy takes up the running to-morrow. Where will it end? Can no antidote be found? Arbitration alone will not provide the remedy:[2] disarmament is already at a discount. Where, then, can we discover a cure sufficiently drastic which will transform the evil genius of force in such a way that the change may be reflected in the mentality and physique of the nations?

It may be true that to accomplish this task nothing short of a revolution in international conceptions is necessary. As we have seen, reformers are faced with the traditions of the past, enshrined in the history of every nation. Mighty forces, appealing to the feelings and passions of men, are arrayed against any fundamental change. And yet, stripped of its trappings, the question is a simple one. What is the right use of force? Is it, as we have contended,[1] epitomised in the police function? If the answer is Yes, then here is a basis for common agreement between the nations, which will at once modify and eventually completely change their moral and intellectual outlook towards war. Here is a principle which the ordinary person in every civilised community can understand. The courts of law and the police are factors which enter into his daily existence, even though he may hardly be conscious of the fact.[2] He comprehends the purpose for which they have been established, and as a rule he approves of them. They are part and parcel of the system of law under which he lives, moves and has his being. His experience, morality and reason tell him that the same principle should be applied to the relationships of States. He will, therefore, be more likely to respond to this argument than to any other. If he can be aroused from his apathy and if his innate prejudices and conservatism can be overcome, it is conceivable that he may even support the project. Finally, after he is convinced that it offers the only alternative to the utter destruction of his national community, he will demand its adoption. Experience, morality and reason may each play their part in arriving at this conclusion, but the trump card is necessity. "Necessity knows no law," but in the end the reign of law will provide the means of meeting the necessity? The impending doom which science has unconsciously prepared for mankind "when cometh the end of all things"[3] has thrust necessity into the foreground. It cannot be evaded. The choice must be made. The prophecy of Kant will be fulfilled and, against his will, man will be compelled to subjugate international force to the dictates of reason and right. Necessity, stern and relentless, points out the road. To disregard her warning is to court disaster: to pay heed is to find salvation.

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[1] "Armies demand men above the average in physical efficiency. It is plain that the most energetic and intelligent among these make the best soldiers. It is recognised that those who fight best suffer the most in action, while the demands of battle and camp cut off men in the prime of life from normal parenthood. This leaves the weaker elements of one kind or another to be the fathers of the coming generations. By the law of heredity, like the seed is the harvest, and the future of the race repeats the qualities of those war does not use."—D. Starr Jordan, *War and the Breed*, p. 2. "The average height of the men of France began notably to decrease with the coming of age, in 1813 and on, of the young men born in the years of the Revolutionary Wars . . . it continued to decrease in the following years with the coming of age of youths born during the wars of the Empire."—V. L. Kellogg, *Military Selection and Race Deterioration*, p. 190. "The influence of the Napoleonic Wars was felt by the nation, and revealed by its recruiting statistics, for a far longer time in its aspect of producing a racial deterioration as to vigour."—*Id.*, p. 191.

[2] See p. 32, note 1.

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[1] See chap. IX, p. 345.

[2] See chap. XIV, p. 533.

[3] A. Lindsay Gordon, *Bellona*, see chap. VIII, p. 16.

Never before have the peoples of the world been faced with this tremendous issue. New conditions demand a change of mentality. The faculty of adaptation is the secret of existence.[1] Will the democracies of the world rise to the occasion? Hitherto their governments, dominated by the shibboleths of a bygone age, have refused to entertain the project of setting up an international police which involves "so drastic a pooling of sovereignty."[2] The ultimate choice, however, lies with the democratic electorates. If the support of the peoples can be enlisted for a principle which they cannot fail to understand—the right use of force—the project is not so revolutionary as at first sight it would appear. The assets at the disposal of the concern are sufficiently great to avoid the bankruptcy of civilisation. If the shareholders can be convinced that a policy of reconstruction is essential, a strong board of directors will be found to carry it through.

Hence it follows that the great task is the education of the public. Let them be warned in time. Let the national reformers in every country concentrate their efforts in focussing public opinion on the vital significance of an international police. Only by this means will it be possible to create that new mentality which seeks to repress the combative instinct in international relationships no less than in the sphere of domestic affairs.

[1] Cf. Le Bon, *The World in Revolt*, p. 57 *et seq.*

[2] Interim Report of League of Nations Committee of the Foreign Office, March 20th, 1918. See chap. III, p. 124.

V

Cohesion

"AS the social group merges in the larger group, the moral bonds which have held men together as members of the smaller group may lose much of their force, without being immediately succeeded by moral bonds of equal strength between citizens as members of the larger group. In other words, the process of drilling men into larger communities is one in which force is apt to play the prominent part."[1]

This dictum can also be applied to the new association of nations. A confederation seeking to establish the reign of law, but lacking any centralised force on which it can rely, is handicapped from the start. It is true that this force is not the fountain of the law. It does, however, represent its symbol and its majesty in the eyes of all those nations which have joined themselves together in a solemn league and covenant to support the claims of justice. Further, it signifies the visible point of cohesion which binds these communities together for the purpose of preventing war. There are, no doubt, other ties, such as intellectual co-operation and the treatment of health, labour and economic problems, all of which help to produce a common interest. At present the outward and visible manifestation of this common interest is represented by a comparatively small civil service, the sections of the League of Nations Secretariat, which are permanently engaged in dealing with these subjects.

Similarly, the creation of an international police force will express the determination of the nations to endow the international authority with the means of making itself effective. During its adolescent stage, when the bonds are necessarily weak and the common interests have not yet been able to assert themselves as in older and more firmly established communities, the authority cannot afford to be deprived of an organisation which not only holds the would-be aggressor in awe but also helps to produce a new mentality in the realm of international relationships.

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[1] W. Jethro Brown, *The Austinian Theory of Law*, p. 278.

Let us suppose that the international police force has been established. What changes will its advent foreshadow in the psychology of nations?

In the first place, its appearance will denote the inauguration of the reign of law. Governments will realise for the first time that treaties, pacts and conventions can no longer be ratified unless it is intended to observe their provisions. Failure to live up to international obligations will involve the imposition of penalties which can be enforced. Hypocritical arrangements, so common in the past, which one or possibly both of the parties never meant to carry out, will be studiously avoided.[1] Henceforward every international engagement will bear the seal of sincerity and good faith. The tricks of the diplomatic conjuror will be at a discount; the mentality of every Foreign Office will undergo a transformation.

Secondly, in the past national mentality has associated war with the idea of conquest. The victors were entitled to the spoils, whether these were expressed in terms of money, maidens, flocks or fields. The conqueror extracted his booty at the point of the sword. These ideas, though modified in theory, still, however, persist. Even though they are cloaked in the garment of the mandate to give them an air of respectability, the popular mind still regards new acquisitions of territory as the product of the sword.[1]

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[1] Even the Treaty of Versailles, handed to the German Delegation after a conference lasting many months, was insufficiently considered by the Allies. "As regards the Treaty," writes Sir Henry Wilson on May 5th, 1919, two days before the day the Treaty was to be handed to the German Delegation, "no one has ever seen it in its completed form, for it does not exist. Both Bonar Law and Smuts, who have been struggling to get completed copies, told me they had been unable, and both told me the whole thing was in a hopeless mess. . . . We are going to hand out terms to the Boches without reading them ourselves. I don't think in all history this can be matched." "The Peace terms," he writes on the 7th, "were handed over never having been read by any of us in their entirety."—Major-Gen. Sir C. E. Callwell's *Field-Marshal Sir Henry Wilson*, Vol. II, pp. 188–189, 190.

The creation of an international force will finally dispel this conception of war. Henceforth the day of annexations will be past. The international authority will not be concerned to acquire territory or any other material advantage. Its sole responsibility is to support the process of law and to compel the criminal to appear before the bar of justice.[2] When the international force has performed this task, the dispute or the act of aggression is referred to the international court or arbitration tribunal. The case is tried or adjudicated upon in accordance with the law of nations. The verdict is given and the costs are assessed. But there is no question of dividing the spoils. Thus the new mentality will no longer be influenced by those primitive conceptions which have been bequeathed to us by the pillagers and pilferers of the past.

Thirdly, recourse to international courts and arbitration tribunals will crystallise into a habit. It will develop into the normal procedure, and will become the rule rather than the exception. Accustomed to the idea of law as opposed to rules, realising that contempt of court may be fraught with serious consequences, the most chauvinistic nation will pause before it decides to substitute the uniform of the aggressor for the garb of the litigant.

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[1] A Prime Minister of Great Britain has declared that for the League of Nations to "meet and hand over the mandate for countries like Mesopotamia and Palestine, that cost us hundreds of millions to emancipate," to Germany would be "an intolerable position." See p. 262, note 1.

The agreement of July 2nd, 1919 regarding the island of Nauru (see p. 265, note 1) is even stronger evidence that the mandated territories are regarded as having been acquired by the sword.

[2] "Although such applications of violence will retain certain external characteristics of war, yet in their nature they will be essentially different from it. In the first place they will only be rare exceptions, which will not, as present war, influence the entire normal life of the countries. Moreover they will not, like present war, usurp the place of law, but be carried out in the service of law. This will take away the bitterness of the strife, and above all, it will save it from the dangerous aftermath which present wars bring with them. Neither hate nor desire for revenge will remain behind."—A. H. Fried, *Handbuch der Friedensbewegung*, 2nd edition, I, pp. 12–13, reprinted in *War Obviated*, p. 187.

VI

Growth of Sub-conscious Mentality

FOURTHLY, as world opinion solidifies around this concrete manifestation of the will to peace and the enthronement of justice, nations will develop the habit of conforming to the code of international law, not because they fear the consequences of an illegal act, but because it has become the custom to do so. In civilised communities, the vast majority of law-abiding persons are animated by an instinctive respect for law, which has almost developed into a second nature. If anyone were to suggest that they should become law-breakers, they would feel aggrieved. To self-respecting citizens the loss of social prestige, the stigma attached to the criminal, the horror of appearing in the dock, are sufficiently awe inspiring. In these cases, the threat of a penalty or a punishment may be superfluous.

The development, however, of this sub-conscious mentality, exemplifying the attitude of the majority of individuals towards the legal machinery of the State, represents the accumulated experience of centuries. It is not the product of a single generation, but expresses the habits of thought and mental training inculcated by successive waves of civilisation. On the other hand, there are the criminal classes in every country, a comparatively small percentage of the total population, whose activities can only be restrained by forcible means.

There remain two other categories of law-breakers, namely, those normally respectable persons who become the victims of a sudden temptation to overstep the bounds of the law, and those who are momentarily overcome by gusts of passion, depriving them of their self-control.

It is difficult to appraise the deterrent effect exercised by the element of coercion upon these various categories. It is probably greater than most people imagine. In the case of the hardened criminal its influence may be slight. It merely prevents the propagation of this species, and protects the rest of the community from its unwelcome attentions.[1] To the weaker brethren whose powers of self-control and sub-conscious habits have been impaired, the existence of the arm of the law becomes a potent factor in determining their behaviour, whilst throughout the centuries it has contributed to create and maintain the habit of obedience amongst the self-respecting members of the community. Though it may not be possible to measure the deterrent influence of the constabularies in a positive sense, we may well imagine the state of affairs in any country suddenly deprived of their services,[2] and the consequent reaction upon the mentality of all classes of the community. The ranks of the criminal class would at once be augmented. Those individuals whose appetites and passions had hitherto been restrained by the fear of punishment would divert their footsteps from the straight and narrow path. In course of time, the pervading sense of lawlessness would invade the strongholds of the law-abiding fraternity. Their self-respect would be undermined and their normal mentality would be impaired. As an illustration of this tendency, it is instructive to note the effect upon national mentality produced by the removal of incentives in the economic sphere. Eliminate the inducements to thrift, and the nation becomes seized with a fit of extravagance. Distribute doles and subsidies, and individuals lose their self-respect and independence, characteristics which the nation may have cherished for generations.[3] The demoralisation spreads. Men who would have scorned to accept charity at the hands of the State, whose ancestors prided themselves upon their sturdy independence, are now content to subsist upon the unearned distributions of the national exchequers. Industrial concerns which in the past had faced competition at home and abroad with confidence in their own ability to overcome every obstacle, now invoke the protection of the State and greedily absorb the subsidies which spendthrift governments place at their disposal.

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[1] "The only argument the wrongdoer respects—successful force."—Theodore Roosevelt, *Why America Should Join the Allies*, p. 43.

[2] During the police strike in Liverpool in August 1919 (see p. 557, note 2) extensive looting took place and much damage was done to property.—*Annual Register*, 1919, pp. 99–100.

[3] Disastrous effects followed the general adoption of the principle of the Speenhamland decision of 1795, when the Berkshire magistrates decided

What is the inevitable result ? National character suffers, the qualities of initiative and self-help lose their attraction, luxury trades reap their harvest, the ranks of the unemployed are swelled. The mentality of all classes undergoes a complete, though possibly only a temporary, change.

Similarly, if all legal restraints were removed, the results would be displayed in a change of mentality, even on the part of self-respecting citizens. Experience during every period of anarchy, when the machinery of the law has been temporarily suspended, corroborates this view. At the conclusion of these upheavals it has been found necessary, sooner or later, to re-introduce the element of compulsion, and to re-establish systems of government, whose legal institutions relied upon force for their sanctions.

Thus the influence exercised by force, organised in a concrete and visible form, upon the mentality of individuals in their relationship to the State and to each

to distribute doles to the poor out of parish funds in order to augment their earnings and secure to every man a minimum living wage. " By securing an income to all the labourers, it offered a direct encouragement to carelessness on the part of the men, so that the farmers complained that they could not obtain efficient labour. . . . The demoralising effects became apparent to one observer at least before it had been in operation many months. ' From what will follow emulation and exertion will be totally destroyed, a man working extra hours not doing it for his own benefit but for that of the parish.' "—W. Cunningham, *English History and Commerce—Laissez Faire*, p. 720.

other, is one of the most important factors in the development and welfare of the community.

The character of a State is portrayed in its institutions and laws. Conversely, these institutions and laws are themselves mirrored in the mentality of the peoples. The same remark applies to the community of States. An international organisation devoid of sanctions, and possessing no visible means of enforcing its decisions, cannot exert a profound influence upon the mentality of its States-members. The latter are deprived of the means of forming gradually the sub-conscious habit of obedience to the Higher Purpose. The weaker members are not encouraged to exercise their powers of self-control, whilst the criminally minded States are still free to connive at the robbery and murder of their neighbours. Not until an international police force has been established will the old mentality, which seeks to demonstrate its superiority by a resort to war, be replaced by a new conception of international justice and the universal recognition of international law.

VII

Direct Influence of I.P.F. on Mentality

FIFTHLY, the existence of an international police force, representing the determination of the nations to uphold the reign of law, will become a permanent reminder to every person of his individual responsibility to assist in this undertaking. Here is something visible and tangible, which has been constituted to protect him from the inroads of aggression. No longer can he entertain any doubts as to the rights or wrongs of the quarrel. If the international police are engaged in suppressing a crime or enforcing a decision of the international court, the individual will realise that if he is called upon he is under an obligation to assist them. To the existing duty of rendering assistance to his national police and constabularies[1] will be added the further responsibility of aiding the forces of the international authority. The scope of his allegiance and loyalty has thus been expanded. When the cry of "Stop, thief" reverberates in the streets of the international metropolis, he will understand its significance.

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[1] See chap. VI, p. 247.

Sixthly, the return of members of the international police at the expiration of their period of service to their homes will exercise, in course of time, a profound influence on the national outlook. If the international police establishment develops into one of the finest technical training centres in the world,[1] its popularity will become assured. As the reservists are absorbed in civilian employment they will become missionaries in the cause of international co-operation. The combative instinct will thus have received its rudest shock, and war mentality will stand abashed in the presence of these modern Knights of Justice. Their influence will permeate into all ranks of society; they will represent the embodiment of an idea heralded throughout the ages, which at last has received its carnate manifestation.

To dispel any lingering doubt on this point, we have only to consider the remarkable influence upon international relationships which is exercised by the members of the Secretariat at Geneva. Although relatively a mere handful, they nevertheless, in indirect ways, exert a degree of influence out of all proportion to their numbers. Similarly, the views of Foreign Secretaries and national representatives often undergo a complete change for the better after a period of close association with the affairs of the League. Their sympathies are broadened, their outlook expands. On their return home, they may even become ardent apostles of the infant regime. At present the missionary forces engaged in promoting the new mentality are deplorably few in numbers. The inclusion of the international police reservists in their ranks will provide an accession of strength which, in the course of a few decades, will make its influence felt throughout the length and breadth of the world.

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[1] See chap. XII, pp. 446, 448.

VIII

Reaction of the New Mentality on Internal Affairs

SEVENTHLY, the new mentality towards war which the creation of an international police force would hasten into existence would not be confined to the international sphere alone. Its reactions will be felt in other quarters. The combative instinct in human nature eternally draws fresh inspiration and replenishment from the recurrence of war. Long after the treaties of peace have been signed, the baleful aftermath of the slaughter persists in the internal ferments which the recrudescence of this instinct has let loose. The conflict between nations has reduced the forces of morality and reason to a low ebb. The idea of justice in all departments of human relationship recedes into the background. Force and nationality have become the heroes of the moment. Generals, admirals and munition manufacturers[1] receive thanks, honours and emoluments at the hands of their grateful countrymen. Politicians and profiteers seek to invest their respective capital, amassed during the struggle, to the best advantage. In the exultation of the moment the futility of war is forgotten and its lessons are only partially learnt.

After the war this mentality proceeded to have its fling in other directions. It invaded the political arenas of various States, and intruded itself into their domestic affairs. In Russia, for example, it manifested itself on a large and disastrous scale, just at the moment when the faint outlines of a democratic government were discernible. The Duma, established on a constitutional basis, appeared for a brief space upon the scene, only to be extinguished by a new tyranny more insidious and more devastating than the one from which it had emerged.[1] The war mentality, a blind belief in the supremacy of force over morality and reason, had entered into the vitals of this nation. The day may come when it will be exorcised ; not, let us hope, by the means which enable a handful of adventurers to exercise mastery over their fellow-countrymen, but by a gradual evolution of the present regime into a constitutional democracy based upon the eternal principles of equality in the eyes of the law, the liberty of the subject and the right of exercising a free and unfettered franchise by all the members of the community.

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[1] Sir Basil Zaharoff, of Vickers Ltd., was the recipient at the Armistice of the D.C.L. degree of the University of Oxford, the Grand Cross of the Orders of the Bath and the British Empire, and the Grand Cross of the Legion of Honour for "special services in the cause of the Allies."—R. Lewinsohn, *Sir Basil Zaharoff*, pp. 133–135.

"At this time generals were everywhere being made doctors *honoris causa.*"—*Id.*, p. 135.

Another illustration of this blind belief in the supremacy of force is to be found in the recent history of Great Britain. A General Strike was organised to subvert the constitution and to overthrow a popularly-elected government, whose authority rested upon the votes of a free people. So obsessed were the leaders of this reactionary movement with the idea of force—exercised, it is true, in a passive sense—that they were prepared to challenge the decisions of a legislative assembly whose conclusions were reached after full and unfettered discussion. This event displayed a curious exhibition of the war psychology on the grand scale. What morality and reason, expressed by the decisions of the deliberative and sovereign organ of the constitution, refused to grant must be extracted by force. The creed of the new apostles, a product of the war mentality, appears to be that if you cannot get what you want by negotiation, you are entitled to impose your will by forcible means, even though this course involves the infliction of suffering upon people who are in nowise parties to the dispute. To employ the services of a third party, competent to express an impartial verdict, is regarded as a sign of weakness. To suggest compulsory arbitration, when the awards of the arbitrator would be enforced, is looked upon as folly. The result has been that in many countries a succession of strikes, locks-out and economic upheavals have taken place in which war mentality has been allowed free play. The speeches of the protagonists leave no doubt on this point. They abound with warlike metaphors. The exhortations of the most ardent international pacifists become redolent of the jargon of the trenches.

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[1] The Duma was established by an act of August 19th, 1905, and ceased to exist on the formation of the Provisional Government in March 1917.

The cult of the lock-out or strike weapon, involving the abandonment of arbitration, has already been fraught with the most appalling results. Like a boomerang, it has recoiled upon the heads of those unfortunate people on both sides who had become the dupes of catch-words and slogans manufactured to arouse their combative instincts. In these circumstances, the appeal to reason falls upon deaf ears, and the sage advice of William Penn that neither party should be "judges in their own cause, nor punishers of their own wrongs"[1] is unheeded. The economic conditions of the situation are ignored. Upon the stern logic of facts is superimposed an equally relentless determination to compel settlements regardless of every other consideration.

Thus industry, struggling to regain its foothold after the convulsion of the war, is mercilessly thrust back into the whirlpool by those short-sighted people who derive their sustenance from its continued existence and prosperity.

The same attitude of mind is displayed by educational and professional combinations. It has permeated the national mentality. Bitter experience alone will eventually prove that reason is the final arbiter in all these proceedings, and that settlements dictated by force, exercised in an active or passive form, offer only a temporary and illusory solution of the problem.

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[1] *The Peace of Europe*, chap. III.

IX

Conclusion

THUS it will be seen that the psychological effects produced in international affairs tend to reappear in the industrial warfare between labour and capital and in other departments of economic and social relationships. Convulsions in one quarter find their reactions in the other. The eternal struggle between reason and passion, between right and might, manifesting itself in the mentality of the nations, will not be assuaged until force has become the servant of justice in every department of human affairs. The moral and intellectual outlook of nations, like that of individuals, changes from generation to generation. The slogans of youth become the heresies of old age. Religions wax and wane; civilisation advances and recedes. The dividing line between right and wrong may shift its position from time to time: nevertheless, the law of progress still remains. In all departments of human thought it will re-assert itself. Checked and retarded it may be by the reactions of a war mentality, but eventually it must recover the lost ground.

Few people will deny that the standards of private and public morality were lowered by the experiences of the Great War. All religions have suffered. Their messages of peace and goodwill had fallen on deaf ears. The claims of the State and nationality proved too strong. They overruled the dictates of the Master. In the social sphere, waves of crime and bloodshed swept over the countries of Europe. Scores of men, accustomed to the art of killing, would not hesitate to rob or steal. In all classes of the community an unrestricted licence manifested itself amongst men and women which would not have been tolerated in pre-war days. This reactionary phase in the evolution of mentality is directly attributable to the war. If, however, we believe that the Universe has been ordained with a moral purpose, this phase can only be regarded as temporary. "Yet if man of all the Creator plann'd, His noblest work is reckoned,"[1] he must retrace his footsteps, shaking the dust of Armageddon from his feet. By long and successive stages his mentality will gradually become attuned to a Higher Purpose, until at length he attains the perfection of those who inhabit the Kingdom of God. It follows that one of the first lessons he has to learn is the right or moral use of force amongst the nations of this planet. When man has applied himself successfully to this task, he may then proceed swiftly along the mysterious road. Divesting himself of his appalling burden, he may look forward with renewed hope to the day when justice shall reign supreme, and peace shall encircle the earth.

The tumult and the shouting dies ;
  The Captains and the Kings depart :
Still stands Thine ancient sacrifice,
  An humble and a contrite heart.
Lord God of Hosts be with us yet,
Lest we forget—lest we forget !

Far called, our navies melt away ;
  On dune and headland sinks the fire :
Lo, all our pomp of yesterday
  Is one with Nineveh and Tyre !
Judge of the Nations, spare us yet,
Lest we forget—lest we forget !

RUDYARD KIPLING.

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[1] A. Lindsay Gordon, *Hippodromania.*

APPENDIX A

THE SUPREME COURT OF THE UNITED STATES AND THE ENFORCEMENT OF ITS DECREES IN INTER-STATE DISPUTES

THE analogy is often drawn between an international court and the Supreme Court of the United States. It is, therefore, all the more important that there should be no confusion of thought regarding the position occupied by the Court in the American system. It is clear that failure to appreciate the true position may lead to the application of erroneous principles to the international system.

Thus, for example, it has been asserted that " there exists in the United States no power which constitutionally can enforce its judgments. Neither can the Federal Government lawfully enforce Supreme Court judgments against the States, nor can the States enforce them against one another or against the Federal Government. The validity of the judgments of the Supreme Court in these matters rests upon its own authority and the willingness of the States to obey them. In its history it has rendered some eighty judgments against sovereign States, and, with the partial exception of one case, they have all been accepted by the States under the impulse of public opinion." [1]

The examination of the facts of history and of the legal position of the Supreme Court does not appear to corroborate this statement. The true position may be summarised as follows :

(*a*) The States of the American Union have not accepted, under the impulse of public opinion, all the decisions rendered by the Supreme Court against them :

(*b*) The decisions of the Supreme Court may be lawfully enforced against the States of the Union :

(*c*) Force may lawfully be applied by the Federal Government against a State of the Union.

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[1] The Marquess of Lothian, *Europe and the United States ;* Journal of the Royal Institute of International Affairs, May 1930, p. 297.

In regard to (*a*) the statement that the Supreme Court has rendered some eighty judgments against sovereign States which have, with one partial exception, all been accepted by the States, under the impulse of public opinion, indicates a failure to appreciate the distinction between two classes of cases to which States may be parties. The first class consists of inter-State disputes, both parties to the dispute being States of the Union. The second class comprises disputes between individual persons and states of the Union.

Of the former category thirty-nine cases had come before the Court by 1923, though eighty-three decisions had been given therein. Of this class of case it has been said that " in the lapse of one hundred and thirty-four years no State of the American Union has refused to comply with and obey the decision of the Supreme Court."[1] Even in these cases, however, too much importance must not be attached to the force of public opinion. Public opinion was not effective in compelling the State of Ohio to perform its moral duty under Article IV, s. 2, of the Constitution. " In the case of Kentucky *v.* Dennison, Governor of Ohio, 24 How. 66, decided in 1860, considered then, and now, as a suit by Kentucky against the State of Ohio involving the performance of a constitutional duty to surrender a fugitive regulated by an Act of Congress of 1793, the State of Ohio refused " to perform this duty.[2] Moreover, in the case of Virginia *v.* West Virginia the point was argued before the Supreme Court on behalf of West Virginia that a State was not bound to accept the decision of the Court. The decision being adverse to the West Virginian contention, that State eventually gave effect to the award, but only after considerable delay.

In the second class of case—disputes between an individual and a State of the Union—public opinion has not been effective to assure the observance of all the awards. " In the Chisholm case, to which the Chief Justice (White C.J. in Virginia *v.* West Virginia, 246 U.S., 565) refers, the State of Georgia did not comply with the judgment, and a bill was introduced into the legislature (of that State) threatening with capital punishment anybody who should, within the State of Georgia, attempt to execute that judgment. Thus the State of Georgia refused to comply with the judgment of the Supreme Court in the case of Worcester *v.* Georgia (6 Peters 515), decided in 1832, and Andrew Jackson, then President, is reported to have stamped his foot, saying, "John Marshall has made his decision, now let him enforce it."[1]

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[1] C. Warren, *The Supreme Court and Sovereign States*, pp. 87–88, *Cf.* Virginia *v.* West Virginia, 246 U.S., 591, where White C.J. cites twenty-six cases in which the defendants " voluntarily respected and gave effect to " judgments.

[2] J. B. Scott, *Judicial Settlement of Controversies between States*, Vol. III, p. 529.

Concerning (*b*), the issue is confused by the pronouncements of Taney C.J. in Kentucky *v.* Dennison, Governor of Ohio, already referred to, and in Gordon *v.* United States, 117 U.S. 697, decided in 1864. In the earlier case the Chief Justice expressly says that an award would not be enforced against a State: "It would seem that when the Constitution was framed and when this law was passed it was confidently believed that a sense of justice and of mutual interest would insure a faithful execution of this constitutional provision by the executive of every State, for every State had an equal interest in the execution of a compact absolutely essential to their peace and well-being in their internal concerns as well as members of the Union. Hence the use of the words ordinarily employed when an undoubted obligation is required to be performed—'it shall be his duty.' But if the Governor of Ohio refuses to discharge this duty, there is no power delegated to the General Government, either through the judicial department or any other department, to use any coercive means to compel him."[2]

In Gordon *v.* United States, Taney C.J. again considered the question of execution and, though regarding execution as vital to judgment, seems to imply that there is some difference between the appellate jurisdiction of the Court and the original jurisdiction in disputes between States: "The award of execution is a part, and an essential part, of every judgment passed by a court exercising judicial power. It is no judgment, in the legal sense of the term, without it. Without such an award, the judgment would be inoperative and nugatory, leaving the aggrieved party without a remedy. It would be merely an opinion, which would remain a dead letter and without any operation upon the rights of the parties, unless Congress should at some future time sanction it, and pass a law authorising the Court to carry its opinion into effect. Such is not the judicial power confided to this Court in the exercise of its appellate jurisdiction."[3]

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[1] J. B. Scott, *Judicial Settlement of Controversies between States*, Vol. III, p. 529.

[2] 24 Howard 109–110.

[3] 117 U.S. 702.

" In cases where the Constitution gives it original jurisdiction the action of Congress has not been deemed necessary to regulate its exercise or to prescribe the process to be used to bring the parties before the court, or to carry its judgment into execution."[1]

The opinions of Taney C.J., though weighty, are not conclusive. " Kentucky *v.* Dennison . . . cannot be regarded really as authority for more than the precise point decided, viz. that Article IV, s. 2, of the Constitution did not grant any coercive power to the Court."[2]

In 1918, however, the question was directly brought before the Supreme Court by the contention of West Virginia that the Court could not issue execution against a State of the Union. The decision of the Court in Virginia *v.* West Virginia, 246 U.S. 565, is that judgment rendered against a State by the Supreme Court, in the exercise of the original jurisdiction given that tribunal in cases in which a State is a party, may be enforced against the State as such and, to the extent necessary for so doing, authority may be exerted over the governmental powers and agencies possessed by the State. White C.J., in giving the judgment of the Court, dealt with the question of the right to issue execution thus : " That judicial power essentially involves the right to enforce the results of its exertion is elementary. . . . And that this applies to the exertion of such power in controversies between States as the result of the exercise of original jurisdiction conferred upon this court by the Constitution is therefore certain. The many cases in which such controversies between States have been decided in the exercise of original jurisdiction make this truth manifest. Nor is there room for contending to the contrary because, in all the cases cited, the States against which judgments were rendered, conformably to their duty under the Constitution, voluntarily respected and gave effect to the same. This must be unless it can be said that, because a doctrine has been universally recognised as being beyond dispute and has hence hitherto in every case from the foundation of the Government been accepted and applied, it has by that fact alone now become a fit subject for dispute."[3]

The question remained as to the means by which judgments were enforceable. The Chief Justice proceeds : " What are the appropriate remedies for such enforcement? . . . (*a*) the power of Congress to legislate for the enforcement of the obligation of West Virginia. The vesting in Congress of complete power to control agreements between States . . . clearly rested upon the conception that Congress, as the repository not only of legislative power, but of primary authority to maintain armies and declare war, speaking for all the States and for their protection, was concerned with such agreements, and therefore was virtually endowed with the ultimate power of final agreement. It follows as a necessary implication that the power of Congress to refuse or to assent to a contract between States carried with it the right . . . to see to its enforcement. . . . The power is plenary and complete . . . . (*b*) The appropriate remedies under existing legislation,"[1] which, however, although indicated as existing, were not defined but left over until it should be seen whether West Virginia would accept the decision.

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[1] 117 U.S., 701.

[2] C. Warren, *The Supreme Court and Sovereign States*, p. 157.

[3] 246 U.S. 591–592.

Commenting on this decision, Mr. J. B. Scott, Solicitor for the Department of State of the United States and Director of the International Law Department of the Carnegie Peace Endowment, writes: "There has hitherto been no instance in our judicial annals of the enforcement of a judgment against a State. . . . It seems, however, to be an unequivocal decision by the Court that power exists in the Congress to provide for execution of the judgment, at least where the Congress can be considered as a party to the contract upon which the case arose. . . . It appears also to be an unequivocal decision of the Court of its own right to take such means as are at its disposal to secure the execution of the judgment which it has rendered against the State of West Virginia. Finally it may be taken as an unequivocal decision by the Court that execution in either case extends to the State or governmental agency of the State as such."[2]

Again he writes: "It would seem to be the mature judgment of the Supreme Court of the United States in this phase of the case . . . that the right to enforce its judgment is inherent in the judicial power, although that judgment be against a State which in the Constitution has consented to be sued by another State of the Union, that such judgment may properly be executed against the State as such, its governmental agencies or property, as well as against property which it may hold in its private capacity; and that Congress possesses the constitutional right to take such measures in the execution of this right as it may deem expedient to coerce the State to comply with the judgment of the Supreme Court had against a State in the constitutional exercise of judicial power." [1]

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[1] 246 U.S. 600–604.

[2] *Judicial Settlement of Controversies between States*, Vol. III, p. 521.

With regard to (*c*), it has also been asserted that "Peace cannot be organised on the basis of the use of force against a sovereign State." [2] It is claimed that this idea has been "embodied and successfully applied in the Constitution of the United States." Madison and Alderson, in the Philadelphia Convention which drew up the Constitution in 1787, were of course opposed to the coercion of States, and Article VI of the New Jersey plan,[3] which would have specifically legalised the use of force against recalcitrant States, was not embodied in the Constitution.

In the judgment of the Supreme Court, however, in Virginia *v.* West Virginia it is clearly indicated that force may be applied by the United States against the governmental agency of a defaulting or recalcitrant State and not merely, as Madison had suggested, upon the individuals composing the State without the intervention of the authorities of that State. In fact, on two occasions at least a State or States of the Union have been coerced by the Federal Government. The first case occurred in 1832 when South Carolina, in its opposition to tariffs, threatened secession. Congress passed a bill providing for military and naval force to be put at the disposal of President Andrew Jackson, who ordered warships to Charleston and placed troops in a position ready for action.[4] In this case the threat of force was sufficient, but thirty years later the claim to secede arose again. Its rebuttal took the form of the application of force in a four years' war by the federal authority against the recalcitrant States.

In theory and in practice, therefore, the right of the federal authority to coerce States of the Union by the application of force has been recognised. The fact that such force has had to be applied on few occasions does not invalidate the argument. Having subscribed to a system in which their disputes are adjudicated by a court whose judgments are enforceable by all the power of the federal authority, they have, unconsciously as it were, carried out the decisions. In the background, however, the overwhelming sanction exists, just as it must exist behind the decisions of the international court before its judgments acquire a character similar to those of the Supreme Court.

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[1] *Id.*, pp. 533–534.

[2] The Marquess of Lothian, *Europe and the United States*, p. 293.

[3] "If any State or any body of men in any State shall oppose or prevent ye carrying into execution such acts or treaties, the federal executive shall be authorised to call forth ye power of the Confederated States, or so much thereof as may be necessary, to enforce and compel an obedience to such acts or an observance of such treaties."

[4] *E.B.*, 14th ed., Vol. XXII, p. 800. W. G. Sumner, *Andrew Jackson*, p. 282, *et seq.*

APPENDIX B

HISTORICAL

MANY pronouncements have been made in favour of an international policeforce and many schemes advanced for the establishment of such an organisation in addition to those described in Chapter II. The more important of these are hereinafter set out. The first group consists of pronouncements made prior to the Great War; the second contains proposals during the war and afterwards.

I

In the early part of the fourteenth century Pierre du Bois, a French pacifist, contemplated the establishment of an international organisation as the result of a "war to end war." But in his opinion no war can end war unless as its prime result it leave on the stage of Christendom one supreme power sufficient to maintain peace. Thus, as a condition of perpetual peace, there must be one dominating temporal monarch throughout Christendom.[1] Du Bois envisaged as the only means of obtaining international peace the enthronement of a prince securely resting upon vast armies.[2]

About the year 1460, George von Podiebrad, King of Bohemia, sought to carry into effect a scheme for a permanent League of Peace among the Christian princes. One of its aims was the removal of the Turkish danger, but there is mentioned, more than once, among its ideals the abolition of war within Christendom. Among the duties of the federal jurisdiction is the waging of war against disturbers of the peace. "The declaration and conduct of war are vested in the whole League, to which the military supremacy belongs: but these are formally entrusted to its central authority, and the matter is left to the department of legislation and justice."[3]

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[1] W. S. M. Knight, *A Mediæval Pacifist—Pierre du Bois*, in Grotius Society Transactions, Vol. IX, p. 3.

[2] *Id.*, p. 7.

[3] W. Evans Darby, *Some European Schemes of Peace*, in Grotius Society Transactions, Vol. IV, p. 175.

In 1623 Emeric Crucé "presented what was probably the first real proposal of substituting International Arbitration for war as the court of last resort for nations,"[1] and the source of some of the ideas of Sully and Grotius.[2] One passage indicates Crucé's views as to the employment of sanctions. "All the said princes will swear to hold as inviolable law what would be ordained by the majority of votes in the said assembly, and to pursue with arms those who would wish to oppose it."[3]

In 1688 Charles V, Duke of Lorraine, a great soldier and the victor of Philipsburg and Mohatz, proposed that the King of Hungary, on becoming Emperor, should form a Council of Referendaries for the purpose of governing his Empire. The scheme is interesting as dealing with the position of princes who, though in theory subject to the Emperor, were in fact independent. "It is necessary at first," he writes, "whether they will or no, for the Emperor to make himself the arbitrator of all the differences between the Princes of Italy or those of Germany, whatever they may be, and at the least incitement, even that of their looking towards foreign assistance, to overwhelm them without resource, and especially to oppress them by the weight of his actual forces at the least resistance."[4]

John Bellers (1654–1725), an English Quaker and philanthropist, who addressed an elaborate proposal to Parliament for a confederation of states to do away with war, was, like his friend and fellow-religionist, William Penn, an advocate of an international force. "Europe," he proposed, "should be divided into one hundred equal cantons or provinces . . . each canton should be appointed to raise a thousand men or money or ships of equal value or charge, upon any public occasion (or any other number that may be thought best) . . . by which means the Princes and States of Europe may settle all the disputes among themselves, without blood or charge, and prevent the rash from such dismal adventures as are the consequences of war, whilst they must know that every man in the Senate hath one or two or three thousand men to back what he concludes there."[5]

Cardinal Alberoni, minister to the King of Spain and one of the leading statesmen of Europe, published in 1736 a scheme, the first part of which is destructive and preparatory, dealing with the reduction of the Turkish Empire by the Commonwealth of Europe. A land force of 370,000 men was to be created, in the proportions assigned to the various European states, together with naval forces consisting of a hundred ships of the line from fifty to seventy guns, a proportionate number of frigates, etc., with a fleet of a hundred galleys and galliases.[1]

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[1] T. W. Balch, cited in W. Evans Darby, *International Tribunals*, p. 22.

[2] Balch, *Le Nouveau Cynée de Emeric Crucé*, p. xviii *et seq*.

[3] *Id.*, p. 122.

[4] Darby, *International Tribunals*, p. 52.

[5] *Some Reasons for an European State*, published 1710.

The second part is constructive and permanent, providing for the establishment of a "perpetual Diet of the Christian Powers, vested with authority to determine all disputes and controversies amicably."[2] "In case one of the Powers at variance shall refuse to submit to the decision of the Diet, within six months after its refusal has been notified authentically and formally, such Power shall be held to be a disturber of public tranquillity, and the Diet shall proceed against it by military execution until it shall submit to its decisions, make reparation for all wrongs, and reimburse all the expenses of the war entered into for the purpose of enforcing submission. The quota of the forces to be furnished by each Prince or State in such contingency shall be regulated on the basis of the Matriculation now established in the Empire."[3]

In 1767 Von Lilienfeld, in an ample and mature treatise entitled "The New Constitution of States," advocated an International Congress, a Law Court and an army. He treats of the causes and calamities of war, the expenses of armaments in time of peace and the miserable chances of the battlefield, where controversies are determined in defiance of all principles of justice, as by a throw of the dice. He urges the advantage of the submission of such matters to arbitrators, unless a Supreme Tribunal be established to administer the law of nations. The tribunal should enforce its decrees by the combined power of the Confederacy.[4]

Jeremy Bentham, the distingushed English jurist, though his life was mainly devoted to the study of jurisprudence and ethics, turned his mind to the question of how perpetual peace might be secured. In a plan which he formulated in 1786–1789[5] for the attainment of this purpose he writes that " there might, perhaps, be no harm in regulating, as a last resource, the contingent to be furnished by the several states for enforcing the decrees of the Court."[1]

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[1] W. Evans Darby, *Cardinal Alberoni's Proposed European Alliance*, in Grotius Society Transactions, Vol. V, p. 78.

[2] *Id.*, p. 79.

[3] *Id.*, p. 80.

[4] Charles Sumner, *War System of the Commonwealth of Nations*, Orations and Speeches, Vol. II, p. 67.

[5] *A Plan for an Universal and Perpetual Peace*, in *Fragments of an Essay in International Law: Works*, Vol. II, p. 546. *Cf.* H. Wheaton, *History of the Law of Nations*, p. 342.

Dr. Bluntschli (1808–1881), the distinguished Swiss jurist and politician, one of the founders of the Institute of International Law and representative of the German Emperor at the Brussels Conference on the laws of war, writes in his scheme of arbitration : " If in an exceptional case it is necessary to exercise compulsion against a State . . . the co-operation of the Great Powers, which have the ability, is necessary to exercise forcible pressure. Hence from the United Council now springs the College of Great Powers, which guarantees the execution of those decisions of the Council which have been pronounced to be necessary and desirable."[2]

In November 1883, a draft arbitration treaty was submitted to a convention of the Alumni Association of Haverford College, Pennsylvania, an institution in which the Quaker spirit has been carefully cherished since its foundation in 1833 by the Society of Friends. The proposal included the provision of an international police force.

" The Powers joining the Arbitration League shall sign a treaty binding themselves to submit all disputes to an international tribunal, to abide by the decisions thereof and to assist in enforcing such decisions upon any recalcitrant member of the Arbitration League.

" Each signatory shall disarm, reserving only such force as under the treaty such signatory is required to maintain as its contingent in the international police.

" The contingent to be maintained by each signatory shall be calculated (1) in the case of land forces on the basis of population, and (2) in the case of sea forces on the basis of the tonnage of the shipping entered in the ports of each signatory.

" Such contingents shall remain under the control of their respective authorities until summoned by order of the international tribunal on international service, when they shall unite to execute its commands.

" Upon receipt of such summons the commanders of both land and sea forces shall elect, by ballot, a Commander-in-Chief and Lord High Admiral, who shall thereupon assume the direction of their respective forces. . . .

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[1] *A Plan for an Universal and Perpetual Peace,* in *Fragments of an Essay in International Law : Works,* Vol II, p. 554.

[2] Darby, *International Tribunals,* p. 208.

"The international police shall be at the disposal of the tribunal to execute any orders it may think fit to issue."[1]

In November 1900 the Madrid Congress of the Ibero-American Union, consisting of Portugal, Spain, and twenty South American nations, adopted a number of arbitration resolutions one of which declared that "the Congress deems it expedient to guarantee the efficacy of the awards of the permanent and obligatory tribunal of arbitration by means of a positive sanction, in addition to the engagement of honour entered into by all the nations which submit their difference to the tribunal."[2]

Professor W. I. Hull, who has since 1904 occupied the Chair of History and International Politics at Swarthmore College, U.S.A., is also an advocate of an international police force. "A system," he writes, "under which all the world's armies and navies, vastly reduced in size, would form part of an international force, and would act against any member of the family of nations only when it received a warrant for so doing from an international court . . . would indeed be a genuine police force . . . its realisation is within the present generation's grasp."[3]

II

Amongst the most notable pronouncements made since the commencement of the Great War is that contained in a speech delivered by Lord Asquith in December 1917. In the course of his address he challenged the German nation to participate in an international regime equipped with sanctions. "If there is to be a pact," he said, "a real pact, an enduring pact, it must be something more than a paper document, written in ink and sealed with wax. It must rest upon authentic proof that the German people are as ready as we are to set up the rule of common and equal right, as not only technically sovereign but as in fact by means of appropriate and effective sanctions the controlling authority in the world."[4]

Viscount Grey in an address delivered during the last weeks of the War demonstrated clearly his attitude to an international force. "I do not see," he says, "why the League of Nations, once formed, should necessarily be idle. I do not see why it should not arrange for an authority and an international force at its disposal which should act as police act in individual countries. It sometimes happens, for instance, when a wrong is done for which some backward country, very often a small backward country, will not give redress. Its Government perhaps lacks authority, and you have seen from time to time that in such circumstances a stronger nation has resorted to force and seized a port or brought some other pressure of that kind to bear. And then you had the jealousy of other nations existing, thinking that the stronger nation, in seeking redress, is in some way pursuing its own interests. I think these cases might be settled, if force be necessary, by a League of Nations, if it had an international force at its disposal, without giving rise to the suspicions and jealousies of certain political aims being pursued."[1]

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[1] The proposals are from a draft arbitration treaty submitted to a convention of the Association on November 27th, 1883. Darby, *International Tribunals*, pp. 485–487.

[2] Arbitration Resolution V: Darby, *International Tribunals*, p. 718.

[3] *The New Peace Movement*, p. 93.

[4] Birmingham, December 11th, 1917; *The Times*, December 12th,

Mr. H. G. Wells, novelist, sociologist, historian and Utopian, who has been one of the most enthusiastic workers in the cause of peace, expressed the view in a book written during the war that "behind the decisions of the Supreme Court must lie power. . . . The armies and navies of the world must be at the disposal of the League of Free Nations. . . . The League of Free Nations must in fact, if it is to be a working reality, have power to define and limit the military and naval and aerial equipment of every country in the world."[2] "The very existence of the League presupposes that it, and it alone, is to have and to exercise military force."[3]

Professor G. Lowes Dickinson, of Cambridge University, publicist and author of several books on the problems of war and peace, has said that "to secure the peace of Europe, the peoples of Europe must hand over their armaments, and the use of them, for any purpose except internal police, to an international authority. This authority must determine what force is required for Europe as a whole acting as a whole in the still possible case of war against powers not belonging to the League. It must apportion the quota of armaments between the different nations according to their wealth, population, resources and geographical position."[4]

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[1] *The Times*, October 11th, 1918.

[2] *In the Fourth Year*, pp. 33–34.

[3] *Ibid.*

[4] *The War and the Way Out*, 2nd ed., p. 41.

Mr. H. Noel Brailsford, editor of the *New Leader*, and author of several books on international affairs, has expressed the view that "to renounce the use of force in extreme cases seems impossible. A League which took no measures against brutal and lawless aggression would not maintain its hold on the imagination of mankind."[1]

Another book written during the War was *The International Solution*, whose author, Mr. H. E. Hyde, was a New Zealander and a strong advocate of an international police force to be composed of levies—military, naval or otherwise—from all the nations represented in the international parliament which would be "in the aggregate so powerful that in the event of war no coalition of nations would have any reasonable chance against them."[2]

Mr. Oscar T. Crosby, director of the American commission for relief in Belgium, President of the Inter-Allied Council on War Purchases and Finance, and author of a volume entitled *International War: Its Causes and Cure*, has advocated the creation of an international force. The following are extracts from his scheme:

"Article II. . . . The signatories hereto undertake to create a sovereign body, to be called the International Court of Decree and Enforcement."

"Article VII. The powers of the Court shall be . . . to enforce by arms the execution of its decrees, the fulfilment of demands made in accordance with this Constitution and the exercise of all powers granted herein.

"To repel any attack or to repress preparations therefor by any state against any member-state . . .

"To establish, maintain and control such civil organisation and such armed force on land or sea as the Court may deem necessary. Conscription of the armed personnel shall be effected, when necessary, through demand made upon the member-states for numbers of men fixed in the ratio of the relative populations of the states . . .

"To demand of member-states that, within three months from the date when this Constitution shall become effective they shall surrender to the control of the Court all armed vessels of war and all material appurtenant thereto: to select from such surrendered vessels and material whatever the Court may desire to retain in its naval establishment: to disarm the remaining vessels . . . to demand of member-states that they shall not build armed vessels of war: to demand that . . . the standing armies of all member-states shall be reduced to a footing of one soldier for each thousand inhabitants . . . to demand of each member state such portion of its material for land forces as the Court may require . . . to value all vessels and material retained by the Court . . . and to pay for the same within ten years from the date of its acquirement: to demand the disarmament of fortifications fronting the land frontiers between member-states: to occupy, maintain, alter or disarm sea-coast fortifications of member-states and fortifications fronting the frontiers between member-states and other states."[1]

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[1] *A League of Nations*, p. 194.

[2] *The International Solution*, pp. 14–15.

More recently, in the course of the debate in the United States Senate on the General Pact for the Renunciation of War, Senator W. C. Bruce made the following observations: "Nothing counts for anything in the field of international peace except that adequate police force which Mr. Taft had in contemplation when he became President of the League to Enforce Peace, and which Theodore Roosevelt had in mind when he said that international justice must be backed by an international police force."[2]

Lastly, Mr. Bertrand Russell, the well-known philosopher, mathematician and Fellow of the Royal Society, has written that "so long as each nation has its own army and navy and air force, it will use them when it gets excited, whatever treaties its government may have signed. There will be no safety in the world until men have applied to the rules between different States the great principle which has produced internal security, namely, that in any dispute force must not be employed by either interested party, but only by a neutral authority after due investigation and according to recognised principles of law. When all the armed forces of the world are controlled by one world-wide authority we shall have reached the stage in the relation of States which was reached centuries ago in the relation of individuals. but nothing less than this will suffice."[3]

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[1] Articles of Agreement constituting an International Court of Decree and Enforcement: J. Bigelow, *World Peace*, pp. 245–255.

[2] U.S. Senate Debate on the Pact of Paris, January 4th, 1929.

[3] *The Realist*, September 1929, p. 20.

APPENDIX C

PRESIDENT ROOSEVELT'S PLAN FOR AN INTERNATIONAL POLICE FORCE

PRESIDENT ROOSEVELT (1858–1919), known throughout the world by the honoured name of "the great American," and who during his Presidential term (1901–1909) stood high in prestige at home and abroad, developed in a book written in the early days of the War a plan for an international confederation which included an international police force.

The following are extracts from his scheme:

"No man can venture to state the exact details that should be followed in securing such a world league for the peace of righteousness. But, not to leave the matter nebulous, I submit the following plan:"[1]

"All the civilised powers which are able and willing to furnish and to use force, when force is required to back up righteousness—and only the civilised powers who possess virile manliness of character and the willingness to accept risk and labour, when necessary to the performance of duty, are entitled to be considered in this matter—should join to create an international tribunal and to provide rules in accordance with which that tribunal should act. These rules would have to accept the status quo at some given period; for the endeavour to redress all historical wrongs would throw us back into chaos. They would lay down the rule that the territorial integrity of each nation was inviolate; that it was to be guaranteed absolutely its sovereign rights in certain particulars. . . . All other matters that could arise between these nations should be settled by the international court. The judges should act not as national representatives, but purely as judges, and in any given case it would probably be well to choose them by lot, excluding, of course, the representatives of the powers whose interests were concerned. Then, and most important, the nations should severally guarantee to use their entire military force, if necessary, against any nation which defied the decrees of the tribunal or which violated any of the rights which in the rules it was expressly stipulated should be reserved to the several nations, the rights to their territorial integrity and the like."[1]

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[1] *Why America Should Join the Allies*, p. 43.

" In addition to the contracting powers, a certain number of outside nations should be named as entitled to the benefits of the court. These nations should be chosen from those which were as civilised and well-behaved as the great contracting nations, but which, for some reason or other, were unwilling or unable to guarantee to help execute the decrees of the court by force. They would have no right to take part in the nomination of judges, for no people are entitled to do anything towards establishing a court unless they are able and willing to face the risk, labour and self-sacrifice necessary in order to put police power behind the court. But they would be treated with exact justice, and in the event of any one of the great contracting powers having trouble with one of them, they would be entitled to go into court, have a decision rendered, and see the decision supported precisely as in the case of a dispute between any two of the great contracting powers themselves.

" No power should be admitted into the first circle, that of the contracting powers, unless it was civilised, well-behaved and able to do its part in enforcing the decrees of the court. China, for instance, could not be admitted, nor could Turkey, although for different reasons, whereas Germany, France, England, Italy, Russia, the United States, Japan, Brazil, the Argentine, Chile, Uruguay, Switzerland, Holland, Sweden, Norway, Denmark and Belgium would all be entitled to go in."[2]

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[1] *Why America Should Join the Allies*, pp. 44–46.

[2] *Id.*, pp. 46–48.

APPENDIX D

GENERAL GERARD'S SCHEME FOR AN INTERNATIONAL POLICE FORCE

IN March 1923, the International Federation of League of Nations Societies, an organisation founded a few years previously to uphold and disseminate the principles and work of the League of Nations, approved for purposes of information and study a scheme of disarmament prepared by General Gerard, who up to the time of his death in 1924 was prominently associated with the French Federation of League of Nations Societies.

General Gerard's scheme is as follows:

General Principles

1. Peace will not be definitely secured until all the nations have disarmed and until they have renounced the profession of arms.

2. The League of Nations alone can undertake the work of disarmament. Indeed, it would seem that the League has no more important function.

3. The most important organ of the League would apparently be a court charged with the duty of controlling all international disputes. But the awards of the Court will indeed be a dead letter if it does not possess what was wanting in the case of the Hague Tribunal, an effective instrument for the enforcement of its decrees. This instrument can be nothing but an international military organisation.

The main characteristics of this organisation would be the following:

1. Complete subordination to the Arbitration Court alone.
2. Unity of Command.
3. A systematic distribution of forces.

Effectives

4. The following is the principle applicable: the maintenance of the forces necessary for securing internal order of each State

as well as international peace, reducing such forces to the irreducible minimum for the accomplishment of this object. There should be created (i) national police forces by each autonomous state, (ii) an international police force common to the community of States-members. The numbers of the people as well as the area of the territory to be guarded will be of assistance in determining the effectives necessary to each State for the maintenance of internal order. The effectives of the international police force will be determined by the requirements of the League in imposing its will on nations refusing to carry out its arbitral awards.

Recruiting

5. Each nation will be free to recruit as it pleases its force of national police, subject to the conditions (*a*) that its real effectives do not exceed the total fixed by the League of Nations ; (*b*) that its method of recruiting is not one that permits the creation of a reserve of effectives more or less disguised ; (*c*) that the League shall have every facility for controlling such effectives. The international police force will be safeguarded by stringent regulations from becoming the refuge of the adventurers of the world.

Command

6. In each national police force the formation of cadres will proceed according to the special regulations of each nation.

In the international police force the status of officers, their promotion and instruction will be governed by an international statute.

The commanding officers of the larger units of the international force will be chosen by the executive authority ; their tenure of office will be fixed. The commander-in-chief of the international force will be chosen by the governing Council of the League ; his tenure of office will be fixed and he will not be eligible for re-election.

Armament and Materiel

7. The national forces will comprise a large proportion of cavalry, together with infantry armed with standard rifles. Their armament will possibly in special cases be completed with a few pieces of field artillery. It would be useless, even dangerous, to permit more than this.

No modification may be effected in the armament or material as regards either quality or quantity without leave of the executive organ of the League. Supervision must always be directed to this result.

No invention or discovery may be made the subject of experiment directed to a military objective or which might be utilised for such purposes without leave of the executive organ of the League. Such experiments, if authorised, will be carried on under its direction, and in all cases under its control.

Heavy guns, long-range artillery, siege guns and all weapons of that nature, existing or hereafter devised, may not be utilised except in the international police force. Forts, camps and strategic railways not required by the international force must be destroyed.

Navies

8. In each autonomous state the coastguards will be reinforced by a small national navy, the effectives and armament of which will be determined by the League of Nations.

A formidable naval force will constitute the international navy under the exclusive control of the executive organ of the League. The flag officers and admiralties will be controlled in a way similar to that already described in the case of land forces. Destructive arms and weapons, as well as submarines, will be its monopoly.

Aviation

9. In each state aviation will be purely postal and commercial, and will be under the direct contol of the League of Nations. The international police force alone will have at its disposal scouting, fighting and bombing craft.[1]

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[1] Bulletin No. 2, 1923, of the International Federation of League of Nations Societies, pp. 17–19.

APPENDIX E

SANCTIONS INCLUDED IN SCHEMES FOR THE CONSTITUTION OF THE LEAGUE OF NATIONS

A.—BRITISH SCHEMES

(i)—*The League of Nations Society*

THE member-states of the League "shall unite in any action necessary for insuring that every member shall abide by the terms of the Treaty."[1] States-members "shall make provision for mutual defence—diplomatic, economic or military" in the case of attack by a non-member state who refuses to submit to law or arbitration.[2]

(ii)—*Proposals for the Prevention of Future Wars; Viscount Bryce and Others*

The sanctions to enforce a reference of disputes to arbitration or conciliation are "concerted measures, economic and forcible," which are in the judgment of the signatory powers "most effective and appropriate to the circumstances of the case."[3]

To give effect to the report of the Council or the award of an arbitration tribunal, the signatory powers will at a conference consider the situation and what collective action, if any, it is practicable to take.[4]

(iii)—*The Fabian Society Draft Treaty*

To enforce its decisions the International High Court may decree execution and call upon the constituent states or some of them to put into operation sanctions which are mentioned in detail in the plan, and which include the severance of all economic and financial intercourse and the furnishing of a contingent of warships to maintain a blockade and the levy of a special duty on exports to the recalcitrant state.[5]

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[1] Article 3: L. S. Woolf, *The Framework of a Lasting Peace*, p. 65.

[2] Article 4: *Ibid.*

[3] Article 19: *Id.*, p. 89.

[4] Article 20: *Ibid.*

[5] Article 17: *Id.*, pp. 115–117.

(iv)—*The Phillimore Plan*

The covenant-breaking state " will become *ipso facto* at war with all the other Allied States," and the latter agree to take " jointly and severally all such measures—military, naval, financial and economic—as will best avail for restraining the breach of covenant." The sanctions include " severance of all relations of trade and finance with the subjects of the covenant-breaking state, prohibition against the subjects of the Allied States entering into any relations with the subjects of the covenant-breaking state," the prevention of the subjects of the covenant-breaking state from having any commercial or financial intercourse with the subjects of any other state, the detention of ships and goods belonging to, coming from, or destined for, any subject of the covenant-breaking state or any person residing within its territory. The Allied States " shall take any other similar steps which shall be necessary for the same purpose." [1]

In the case of an attack by a non-member state, " any of the Allied States may come to its (the attacked state's) assistance." [2]

(v)—*General Smuts' Scheme*

The sanctions are very similar to those of the Phillimore Plan—*ipso facto* at war, economic and financial boycott including severance of all trade and financial relations and the prohibition of commercial or financial intercourse between the subjects of the covenant-breaking state and those of any other state. Smuts, however, leaves it to the Council to recommend what effective naval or military force the members should contribute.[3]

(vi)—*The Cecil Plan*

The sanctions in the case of member-states are similar to those contained in the Phillimore Plan—*ipso facto* at war, appropriate military, economic and other measures, etc. In the case, however, of a non-member state being in default the same sanctions are applicable.[4]

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[1] The Phillimore Plan, March 20th, 1918, Article 2, D. H. Miller, *The Drafting of the Covenant*, Vol. II, p. 1.

[2] *Id.*, Article 15.

[3] *A Practical Suggestion*, by the Rt. Hon. J. C. Smuts, dated December 16th, 1918; Recommendation 19: D. H. Miller, *The Drafting of the Covenant*, Vol. II, p. 55.

[4] *Draft Sketch of a League of Nations*, January 14th, 1919; D. H. Miller, *op. cit.*, p. 63.

(vii)—*British Draft Convention*

The sanctions, though more fully set out, are similar to those in the Cecil Plan—*ipso facto* at war, and the taking of " all such naval, military or economic measures as will best avail for restraining the breach of covenant." In particular, they include the severance of all relations—financial, commercial, postal and telegraphic ; the detention of goods ; the prohibition of exports and imports ; and " such further economic and commercial measures as the League may deem necessary." If a High Contracting Party cannot make an effective contribution of naval, military or aerial force, " it will co-operate to the utmost of its power in the naval and military measures which may be taken."

The operations to be undertaken are to be carried out " without regard to any limitations hitherto imposed on belligerent states by any convention or rule of international law." [1]

There is also a provision for mutual support of each other by the High Contracting Parties in the financial and economic measures to be taken.[2]

B.—SCHEMES OF THE UNITED STATES OF AMERICA

(i)—*League to Enforce Peace*

The sanctions are the joint use of economic and military forces against the Power that goes to war or commits acts of hostilities before submission of any question arising as provided in the proposals.[3]

(ii)—*The House Draft*

The sanctions, in the event of failure to submit a dispute to law or arbitration or to carry out a judicial decision or arbitral award, are the deprivation of all rights of commerce and intercourse with the Contracting Powers.[4]

In the event of war or the commencement of hostilities before submission of a dispute for peaceful settlement, the sanctions are not only the cessation of all commerce and intercourse, but also blockade and the closing of the frontiers to commerce and intercourse with the world.[1]

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[1] Draft Convention, January 20th, 1919, Chap. II, Articles 12 and 13 ; D. H. Miller, *op. cit.*, Vol. II, p. 112.

[2] Article 14, *ibid.*

[3] Article 3, *Enforced Peace*, p. 189.

[4] Colonel House, *Suggestions for a Covenant of a League of Nations*, Article 14 ; D. H. Miller, *op. cit.*, Vol. II, p. 9.

In the case of non-member states, the above sanctions apply and also "any of the Contracting Powers may come to the assistance of the Contracting Power against which hostilities have been commenced."[2]

(iii)—*Wilson's First Draft*

The sanctions for failure to arbitrate or carry out the arbitral decision are the deprivation of all rights of commerce and intercourse with the Contracting Powers.[3]

In the event of declaration of war or commencement of hostilities in regard to a dispute by a Power before the submission of a dispute to or after an adverse decision has been given by arbitrators, the sanctions are not only the cessation of all commerce and intercourse with that Power, but also the blockading and closing of the frontiers of that Power and the use of "any force that may be necessary to accomplish that object."[4]

In the case of non-member states the above sanctions will apply and "the Contracting Parties shall also unite in coming to the assistance of the Contracting Power against which hostile action has been taken, combining their armed forces in its behalf."[5]

(iv)—*Wilson's Second Draft*

The sanctions contained in Article 6 of the First Draft are replaced by the sanctions contained in Smuts' scheme.[6] The sanctions in Articles 7 and 10 remain as in the First Draft.[7]

(v)—*Wilson's Third Draft*

In Article 6, "*Ipso facto* be deemed to have committed an act of war" is substituted for "*ipso facto* become at war." Otherwise the sanctions remain as in the Second Draft.[8]

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[1] Article 15, *ibid.*

[2] Article 18 : *Id.*, p. 10.

[3] Wilson's First Draft, Article VI ; D. H. Miller, *op. cit.*, pp. 13–14.

[4] Article 7 : *Id.*, p. 14

[5] Article 10 : *Id.*, p. 15.

[6] Wilson's Second Draft, January 10th, 1919, Article 6 ; D. H. Miller, *op. cit.*, Vol. II, p. 79.

[7] Articles 7 and 10 : *Id.*, pp. 82–84.

[8] Wilson's Third Draft, January 20th, 1919, Articles 6, 7 and 10 ; D. H. Miller, *op. cit.*, Vol. II, pp. 101–102.

(vi)—*Wilson's Fourth Draft*

The sanctions are the same as in the Third Draft.[1]

C.—THE HURST-MILLER DRAFT

"Should any of the High Contracting Parties be found by the League to have broken or disregarded its covenants under Article 10," it shall *ipso facto* be deemed to have committed an act of war against the other members of the League, which shall sever all trade or financial relations and prohibit all intercourse, financial, commercial or personal.

The Executive Council will recommend what military or naval force the members of the League shall contribute to the armed forces to be used to protect the covenants of the League.

There is also a provision for mutual support between the High Contracting Parties in the economic and financial measures which are taken.[2]

D.—THE ITALIAN SCHEME

There is a detailed list of the most important of the sanctions. They involve the imposition of a fine; the severance of diplomatic, political, financial, economic, personal and commercial relations with the recalcitrant state; an embargo; a blockade; exclusion of the recalcitrant state from the "Societá degli Stati," and joint war against it by all the loyal members of the "Societá degli Stati.[3]

E.—THE GERMAN SCHEME

The Mediation Officer "shall come to a decision about compulsory execution."[4] A detailed list of particular sanctions is given in the scheme. It includes the breaking off of diplomatic and economic relations and the use of military measures.[5]

F.—NEUTRAL SCHEMES

(i)—*Central Organisation for a Durable Peace, The Hague, Holland.*

"The states shall bind themselves to take concerted action—diplomatic, economic or military—in case any State should resort to military measures" instead of submitting to a judicial investigation or to mediation.[1]

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[1] Wilson's Fourth Draft, February 2nd, 1919; Articles 6, 7 and 10; D. H. Miller, *op. cit.*, Vol. II, pp. 148, 149, 150.

[2] Draft Covenant, Article 14; D. H. Miller, *op. cit.*, Vol. II, p. 235.

[3] Italian Draft Scheme, Section III, Article 29; D. H. Miller, *op. cit.*, Vol. II, p. 252.

[4] Article 62; D. H. Miller, *op. cit.*, Vol. II, p. 761.

[5] Article 63, *ibid.*

(ii)—*Dutch Committee's Plan*

There are no sanctions clauses.[2]

(iii)—*The Swedish, Danish and Norwegian Governments' Scheme*

There are no sanctions clauses.[3]

G.—THE FRENCH SCHEME

(ii)—*Diplomatic, Legal and Economic Sanctions*

(1) *Diplomatic Sanctions*

"These sanctions, the result of which will be to place the delinquent State for a shorter or longer period under the ban of the member nations, fall under three headings:

"(*a*) The suspension or breaking off of the diplomatic relations existing up to that period between such state and other member States of the League of Nations.

"(*b*) The withdrawal of the *exequatur* granted to the consuls of such State.

"(*c*) The exclusion of the State in question from the benefit of any international conventions to which it may be a party."

(2) *Legal Sanctions.*

"On the other hand, certain sanctions of a legal nature will enable the League of Nations, according to circumstances, to enforce respect of the principles which it is called upon to protect.

"(*a*) Thus offences committed, encouraged or tolerated by one of the member States may render it liable to pecuniary sanctions which will be applied to it by the International Court of Justice, in accordance with the general principle laid down by Article 3 of The Hague Convention of the 18th October, 1907, as to the laws and customs of war.

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[1] Minimum Programme, Article 3; L. S. Woolf, *The Framework of a Lasting Peace*, pp. 63–64.

[2] *Preliminary Draft of a General Treaty for the Pacific Settlement of International Disputes;* L. S. Woolf, *op. cit.*, pp. 126 *et seq.*

[3] *Avant-Projet de Convention relative à une Organisation Juridique Internationale, élaboré par les Trois Comités Nommés par les Gouvernements de Suède, de Danemark et de Norvège;* F. Wilson, *The Origins of the Covenant*, pp. 211 *et seq.*, and, particularly, pp. 225–226.

"(*b*) There are, moreover, other sanctions of a legal nature which, without entailing the direct pecuniary responsibility of the state concerned, will exert a very marked and immediate influence on the attitude and decisions of its representatives, by reason of the sacrifices it will impose on the private interests of the citizens themselves. There will be no question of depriving the latter of the advantages of common law, or of punishing them for acts for which they are not directly answerable; but that national unity which confers responsibilities as well as benefits, will doubtless permit of the temporary withdrawal from them of the exercise of a faculty which, although not indispensable to existence, nevertheless tends to facilitate it."

Then follow examples of measures which would be particularly efficacious from this point of view:

(3) *Economic Sanctions*

"Other sanctions of an economic nature can be employed by the League of Nations by which it will be enabled to exercise an efficient control over the recalcitrant State, by various measures which may extend to placing it under an absolute commercial, industrial or financial ban.

"The principal measures in question are:

"(*a*) Blockade, consisting in the prevention by force of any commercial intercourse with the territory of the State in question.

"(*b*) Embargo, i.e. the seizure and temporary sequestration, in the ports and territorial waters of the member States, of ships and cargoes belonging to the delinquent State and its nationals, as also the seizure of all goods destined for such State.

"(*c*) Prohibition of the supply of raw materials and foodstuffs indispensable to its economic existence.

"(*d*) Prohibition of the issue by such State of public loans in the territories of the member States; refusal to allow stock issued elsewhere to be quoted on the official Exchange, and even withdrawal of any previous permission for the quotation of the stock of such State."

The latter part of this clause suggests an economic organisation to facilitate co-operation and mutual assistance.

(iii)—*Military Sanctions*

(1) *International Forces*

"The execution of the military sanctions on land or at sea shall be entrusted either to an international force or to one or more Powers, members of the League of Nations, to whom a mandate in that behalf shall have been given.

"The International Body shall have at its disposal a military force supplied by the various member States of sufficient strength: (i) to secure the execution of its decisions and those of the international tribunal; (ii) to overcome, in case of need, any forces which may be opposed to the League of Nations in the event of armed conflict."

(2) *Strength of International Contingents*

"The International Body shall determine the strength of the international force and fix the contingents which must be held at its disposal.

"Each of the member States shall be free to settle as it deems best the conditions under which its contingent shall be recruited.

"The question of the limitation of armaments in each of the member States will be dealt with elsewhere."

(3) *Permanent Staff*

"A permanent international staff shall investigate all military questions affecting the League of Nations. Each State shall appoint the officer or officers who shall represent it in a proportion to be determined later.

"The Chief and Deputy Chiefs of Staff shall be appointed for a period of three years by the International Body from a list submitted by the member States."

(4) *Functions of the Permanent Staff*

"It shall be the duty of the permanent international staff to deal, under the supervision of the International Body, with everything relating to the organisation of the joint forces and the eventual conduct of military operations. It will in particular be charged with the task of inspecting international forces and armaments in agreement with the military authorities of each State, and of proposing any improvements it may deem necessary, either in the international military organisation or in the constitution, composition and methods of recruiting of the forces of each State.

"The staff shall report the result of its inspections, either as a matter of routine or at the request of the International Body. Military instruction shall be given in each member State in accordance with rules, designed to procure, as far as possible, uniformity in the armaments and training of the troops destined to act in concert.

"The International Body shall be entitled at any time to require that the member States introduce any alteration into their national system of recruiting which the staff may report to be necessary."

(5) *Commander-in-Chief and Chief of General Staff*

"When circumstances shall so require the International Body shall appoint, for the duration of the operations to be undertaken, a Commander-in-Chief of the international forces.

"Upon his appointment the Commander-in-Chief shall nominate his Chief of General Staff and the officers who are to assist him.

"The powers of the Commander-in-Chief and his Chief of General Staff shall cease when circumstances become such that an armed conflict is no longer to be feared or when the object of the military operations has been attained.

"In either case the date at which the powers of the Commander-in-Chief and the General Staff shall cease shall be fixed by a decision of the International Body."[1]

H.—The Covenant

"Should any member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

"It shall be the duty of the Council in such case to recommend to the several governments concerned what effective military, naval or air force the members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

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[1] Annex to Minutes of First Meeting of League Commission ; D. H. Miller, *op. cit.*, Vol. II, pp. 239, 405.

" The members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the members of the League which are co-operating to protect the covenants of the League.

" Any member of the League which has violated any covenant of the League may be declared to be no longer a member of the League by a vote of the Council concurred in by the Representatives of all the other members of the League represented thereon."[1]

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[1] Article 16.

APPENDIX F

THE DEVELOPMENT OF THE POLICE FORCE IN GREAT BRITAIN

"THE establishment of a systematic police force was of slow growth in England, and came into effect long after its creation abroad."[1] "Indeed, down to 1856 there was no law for the whole of England requiring that there should be paid policemen."[2]

A statue of 1285, the Statute of "Watch and Ward," aimed at the maintenance of peace in the City of London. Three centuries later another Act, the first of a series, was passed for the better government of Westminster. But the state of affairs in the country generally were far worse than in the capital. "The general law was that every township should have its constable. To serve his town in that office was the duty of every man in the township, and to serve . . . for nothing."[3]

In the eighteenth century efforts were made here and there by means of local acts providing paid watchmen for towns and so forth, to repress crime. And indeed there was need for repression. "The state of London at that date, and indeed of the whole country at large, was deplorable. Crime was rampant, highwaymen terrorised the roads, footpads infested the streets, burglaries were of constant occurrence, river thieves on the Thames committed depredations wholesale. The watchmen appointed by parishes were useless."[4]

At the beginning of the nineteenth century it was computed that there was one criminal for every twenty-two of the population.[5]

The dawn of a new age camewith the Dublin Police Act of 1786, which provided paid constables with extensive powers, under the authority of three Commissioners of Police. In 1787 a similar Act was passed for the whole of Ireland.

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[1] *E.B.*, 13th edition, Vol. XXI, p. 978.

[2] F. W. Maitland, *Justice and Police*, p. 105.

[3] *Ibid.*

[4] *E.B., loc. cit.*

[5] *Ibid.*

The Middlesex Justice Bill of 1792 was "a copy in faint colours of the Irish measure."[1] At each of seven public offices there were to be paid justices who appointed a number of constables, a number which is steadily increasing in the next thirty years.

One feature of the old system must be mentioned, the Bow Street Runners, specialised officers in attendance at the old police offices, and despatched by the sitting magistrates to investigate serious offences.

In 1829 Sir Robert Peel laid the foundation of a new system. A new Metropolitan force of 3,000 constables, under the authority of two "justices" or Commissioners, acting under the Secretary of State, was created.[2] The Metropolitan Force was followed by similar forces in the City and the provinces. In 1835 occasion was taken of the great municipal reform to insist that each borough of the new type should have a body of paid constables.[3] In 1839 a permissive act enabled the Justices at Quarter Sessions to create paid County Constabularies.[4] Some counties availed themselves of the power, but the "time of hesitation was ended by a statue of 1856;[5] in all counties which had not yet availed themselves of the old Act a new Constabulary was to be created" in the following winter.[6]

It had been realised that "an efficient police force throughout England and Wales was necessary for the more effectual prevention and detection of crime, the suppression of vagrancy and the maintenance of good order."[7]

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[1] Maitland, *op. cit.*, p. 108.

[2] 10 Geo. IV, c. 44.

[3] 3 and 4 William IV, c. 90.

[4] 2 and 3 Vict., c. 93.

[5] 19 and 20 Vict., c. 69.

[6] F. W. Maitland, *Justice and Police*, p. 109.

[7] *E.B., loc. cit.*

APPENDIX G

SUMMARY OF NEGOTIATIONS AND EVENTS LEADING UP TO THE OUTBREAK OF THE GREAT WAR[1]

THE condition of Europe in June 1914 was such that any incident, however trifling, might have precipitated a war. The long naval competition between England and Germany, the division of Europe into two armed camps, the seeds of future wars sown in the annexation of Bosnia and Herzogovina in 1908 and the Balkan wars of 1912 had produced a state of extreme tension. "Germany was convinced that her safety could only be guaranteed by the strength of her own right arm. Austria was weakened by racial dissension, Italy an uncertain ally, Turkey diminished and humiliated, Roumania drifting towards Petrograd, while the enmity of France was unchanged, the hostility of Russia increasing, and the loyalty of Great Britain to her friends beyond reproach."[2] In the whole of Europe suspicion and hostility filled the air.

In this state of affairs on June 28th, 1914, the Archduke Ferdinand was murdered at Serajevo. Berchtold, the headstrong Austrian Chancellor, saw an opportunity to bring Serbia to book for which he had long waited. An imperial letter to the Kaiser was accompanied by a memorandum compiled some days before the crime and pointing out the danger to Austria resulting from the Serbian propaganda. The remedy suggested was the isolation and suppression of Serbia as a political force in South-Eastern Europe.

The Kaiser, on July 5th, assured Austria that she might in this case, as in all others, rely on Germany's full support; action against Serbia should not be delayed. Russia was unprepared for war and would hesitate before she resorted to arms. If war had been determined on, he would regret the failure of Austria to use that moment which was all in her favour.[1]

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[1] This account is based on the facts cited in G. P. Gooch's *History of Modern Europe*, Chap. 16; J. W. Headlam Morley's article, *Europe*, in *E.B.*, 12th edition, Vol. XXXI; and S. B. Fay, *The Origins of the World War*.

[2] Gooch, *History of Modern Europe*, p. 511.

Lichnowsky, in London, was instructed to warn England of the strained relations, and to suggest that she should persuade Russia to advise Serbia to accept Austria's demands.

Austria was determined on war. Her own investigating official at Serajevo reported that there was " nothing to prove or even to cause suspicion of the Serbian Government's cognisance of the steps leading to the crime."[2] Berchtold concealed this report from Francis Joseph and from Berlin. On July 23rd the ultimatum, including a demand for the publication by Serbia of a condemnation of Serbian propaganda against Austrian security and the removal of officers and officials guilty of propaganda on the communication of their names by the Austrian Government, was presented, with a time-limit of forty-eight hours. " Russia cannot accept it," said Francis Joseph ; " it will be a big war."[3]

Russia was indignant. Sazanoff asked for the assurance of Great Britain and France that he should have their support against this unparalleled act of aggression ; to avoid war Germany must know that she was confronted by the united Entente. England could not give the promise required. The Cabinet was disunited and, if the assurance was given, it would have increased the influence of the war party at St. Petersburg. Nor could she give the promise of neutrality asked for. To do so would have been to countenance an act of aggression against a State with which she was in the closest diplomatic agreement. Sir Edward Grey attempted to bring about mediation or conciliation, and for the next four or five days, supported by France, he pursued this course with energy and resource. He depended, however, on German co-operation.

Complaining on July 24th of the existence of a time-limit at so early a stage, Grey declared that he had never seen one State address to another a document of so formidable a character. He informed the French Ambassador that he thought the only chance of mediation to be the joint action of Germany, France, Italy and Great Britain. Cambon replied that nothing could be done in Russia until the Russian Government expressed an opinion or took action, that in two days Austria would invade Serbia and, thus, that the moment when mediation could first be attempted would be too late. The German Government presented a Note denouncing the Serbian intrigues and approving Austria's conduct as equitable and moderate. At that moment the German Government did not know what the Austrian terms were.[1] The matter, said Germany, was one which concerned Austria and Serbia alone; interference by outside Powers would be followed by incalculable consequences. Grey replied that if the ultimatum did not lead to trouble with Russia he was not concerned, but that he was apprehensive of the Russian view in consequence of the shortness of the Austrian ultimatum. The only hope was that the four other Powers should mediate: for this, German co-operation was essential.

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[1] *Id.*, p. 533.

[2] *Id.*, p. 535. Investigations undertaken since the war have, however, conclusively shown that the Serbian Government was cognisant of the plot to murder the Archduke. Cf. Fay, *op. cit.*, Vol. II, p. 57 *et seq.*

[3] *Id.*, p. 536.

On the same day Great Britain urged Serbia to undertake that if any of her officials should be proved to have been concerned in the Serajevo murder the fullest satisfaction would be made.

On the 26th Grey telegraphed his mediation proposals to Rome, Berlin and Paris. Italy at once and France somewhat reluctantly acceded to this proposal. Germany declared she would take part only at Austria's express wish; that the Powers could not ask Austria to submit to an Areopagus of the Powers. On the appearance of the conciliatory Serbian answer Grey again urged Germany to bring pressure to bear on Austria. Lichnowsky reported that, if Germany refused, he could not guarantee the neutrality of Great Britain. The German Chancellor, in his turn, placed the English proposal before the Austrian Cabinet, stating that he did so merely to placate Great Britain. Austria, however, was determined to crush Serbia. She declared that the refusal of Serbia to allow Austrian co-operation in repressive measures could not be tolerated, that therefore she must proceed to exert armed pressure and that she counted on British sympathy in the struggle forced on her. Russia, describing the Austrian ultimatum as provocative and immoral, demanded a promise of British assistance. In this demand the French Ambassador joined.

The Kaiser returned from his northern holiday on July 27th, the day the Serbian reply arrived in Berlin. He at once saw that all excuse for war had been taken away, and proposed to

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[1] *E.B.*, 12th edition, Vol. XXXI, p. 28.

Austria that she should be satisfied with the occupation of Belgrade and a defined limit of territory, issuing her demands from the Serbian capital. The occupation of Belgrade, of course, meant war.

But " exhortations and warnings fell on deaf ears in Vienna."[1] Berchtold informed the British Ambassador that no discussion could proceed on the basis of the Serbian reply and that war would be declared on the 28th.

Russia at once ordered mobilisation, informing Germany that it was directed against Austria alone. Germany replied in such terms that even partial mobilisation against Austria was prohibited, and declared that any further mobilisation would involve a similar step on her part. Russia, regarding this as the equivalent of an ultimatum, at once began total mobilisation.

Grey made no promise of support or neutrality. On the 29th he again appealed to Berlin to suggest that mediation should proceed while Austria held the territories already occupied. He warned Lichnowsky that Germany must not expect Great Britain to stand aside from an European war. Germany was prepared to guarantee that no French territory would be annexed, but would make no undertaking as to the French colonies or as to the observance of Belgian neutrality. These terms Britain refused to entertain.

Germany now commenced to restrain Austria, and to urge her not to refuse mediation under all circumstances, as the result would be war under unfavourable conditions. The British threat of war had been effective, but it was too late. On the 28th Germany and England each proposed the occupation of Belgrade as a *satisfaction d'honneur*. On the 29th Germany despatched telegrams to Vienna in most pressing and urgent terms, protesting against being dragged into war by her ally. Austria resumed negotiations with Russia, but remained uncompromising, accepting mediation provided her own operations were not interfered with while the Russian mobilisation ceased. Her offer was made merely to gain time.

Grey now suggested that the four Powers should guarantee satisfaction to Austria, provided that Serbian sovereignty and the integrity of Serbian territory were not impaired. Such terms would be satisfactory to Russia. The warning already given to Lichnowsky was repeated, and the assurance given that if Germany and Austria put forward a reasonable proposal which

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[1] Gooch, *op. cit.*, p. 540.

Russia and France refused the British Government would have nothing to do with the consequences.

Meanwhile, unknown to England, Russia had mobilised. On the afternoon of July 31st, Germany answered by demanding the cessation of the general mobilisation within twelve hours, at the expiration of which time Germany would consider herself at war. This ultimatum Falkenhayn has condemned as over-hasty and unnecessary. Bethmann supported the demand of Moltke for an immediate declaration of war, in order that Russia should not have a longer start in mobilising her gigantic forces.

War seemed inevitable. On July 31st Grey enquired of the German and French governments whether Belgian neutrality would be respected. France gave the required answer; Germany merely replied that a response would disclose her plans of campaign. Grey, on receiving this reply, again warned the German Ambassador, and to the latter's enquiry whether, if Germany gave such an undertaking, Britain would remain neutral, assured him that our hands were still free. On August 1st Russia, without answering the German ultimatum and before the expiry of the time-limit, crossed the German frontier. By the terms of the Franco-Russian alliance, France automatically entered the war at the same moment.

On August 2nd Grey promised France that if a German fleet attacked the French in the Atlantic or the Channel, Great Britain would immediately interfere with her fleet. On August 3rd Great Britain began to mobilise her Expeditionary Force. On the 2nd Belgium had received a twenty-four hours' ultimatum from Germany demanding leave for the passage of German troops through Belgian territory: if the request were refused, Belgium would be treated as an enemy. Belgium refused, but before this German troops had already crossed the frontier.

On August 3rd Grey made his famous speech in the Commons. In reliance on Great Britain, France had left her northern shores undefended, and in a war, defensive on her part, we were in honour bound to assist her. A more serious consideration was the neutrality of Belgium.

On the morning of August 4th, news reached London that the Belgian frontier had been crossed by German troops. The Cabinet met and an ultimatum to Germany was despatched; to expire at midnight the same evening. No reply was expected or received, so that the morning of August 5th, 1914, found the British Empire at war.

The events leading up to the great catastrophe make it clear that no Great Power desired, at that moment, to provoke a World War.[1] The National Governments which conducted these negotiations drifted into it, not because they wished or intended to do so, but because they could not escape from the toils of the international system. Austria was determined to chastise Serbia. Germany proposed to localise the conflict. Russia, on the other hand, refused to see Serbia destroyed. Great Britain was solely concerned to maintain peace between the Great Powers. The Austro-Serbian dispute was no concern of hers, because her interests were not involved. " After the latter (Prince Lichnowsky) had given him the German communiqué defending Austria's action, and urging ' a localisation ' of the conflict, Sir Edward Grey replied that if the ultimatum did not lead to trouble between Austria and Russia, he ' had no concern with it.' "[2]

Not one of the Great Powers was prepared to intervene to secure justice between Austria and Serbia. Throughout the negotiations, they regarded the dispute purely from the point of view of their own selfish and national interests. " Between Serbia and Austria," wrote Grey, " I felt no title to intervene, but as soon as the question became one between Austria and Russia, it was a question of the peace of Europe, in which we must all take a hand."[3]

Consequently Serbia's offer to submit the points at issue to the Hague Conference, which was subsequently endorsed by the Czar,[4] was entirely ignored by all the Foreign Offices of Europe. " The fact is, that from the beginning of the crisis, Pashitch's offer to submit to an arbitral tribunal such a portentous political question, involving vital interests and national honour, was never taken seriously by any of the leading statesmen of Europe."[5]

The international system had been constructed on the basis of the defence of the national interests. The claims of international justice were expressly banished from its purview.

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[1] Cf. S. B. Fay, *The Origins of the World War*, Vol. II, p. 547.

[2] *Id.*, Vol. II, p. 373.

[3] Sir E. Grey to Sir H. Rumbold, July 25th, 1914 : *British Documents on the Origins of the War*, Vol. XI, pp. 88–89.

[4] Fay, *The Origins of the World War*, Vol. II, p. 503.

[5] *Id.*, Vol. II, p. 429.

APPENDIX H

MEMBERS OF THE LEAGUE

POPULATIONS AND UNIT CONTRIBUTIONS TO THE 1929 BUDGET

The classes and groups into which the following list is divided have reference to the schemes for representation on the executive of the international authority propounded in Appendix J.

Class I

State.	Unit Contribution.	Population.
Great Britain	105	44,176,271 (1921)
Germany	79	63,180,619 (1925)
France	79	40,743,897 (1926)
Japan	60	63,862,538 (1927)
Italy	60	40,796,000 (est.)
Class II—Group I		
India	56	318,942,480 (1921)
China	46	439,759,380 (est.)
Spain	40	22,444,156 (est.)
Canada	35	8,788,483 (1921)
Poland	32	30,213,000 (1928)
Argentine	29	10,646,814 (est.)
Czecho-Slovakia	29	13,613,172 (1921)
Australia	27	5,435,734 (1921)
Netherlands	23	7,625,938 (1927)
Rumania	22	17,393,149
Serb-Croat-Slovene State	20	12,017,323 (1921)
Belgium	18	7,465,782 (1920)
Sweden	18	6,087,923 (1927)
Switzerland	17	3,987,000 (est.)
South Africa	15	6,928,580 (1921)
Class II—Group II		
Chile	14	3,753,799 (1920)
Denmark	12	3,434,555 (1925)
Finland	10	3,364,807 (1920)
Irish Free State	10	2,971,992 (1926)
New Zealand	10	1,344,469 (1926)

State.	Unit Contribution.	Population.
Cuba	9	3,579,507 (1928)
Norway	9	2,649,775 (1920)
Peru	9	6,147,000 (est.)
Siam	9	9,207,355 (1920)
Austria	8	6,534,481 (1923)
Hungary	8	7,980,143 (1920)
Greece	7	6,204,684 (1928)
Uruguay	7	1,762,451 (est.)
Colombia	6	5,855,077 (1918)
Portugal	6	6,032,991 (1920)
Class III		
Bulgaria	5	5,483,125 (1926)
Persia	5	9,000,000 (est.)
Venezuela	5	3,026,878 (1926)
Bolivia	4	2,974,904 (est.)
Lithuania	4	2,286,368 (1928)
Estonia	3	1,117,270 (1926)
Latvia	3	1,883,189 (1928)
Ethiopia	2	10,000,000 (est.)
Albania	1	833,618 (est.)
Dominican Republic	1	897,405 (1921)
Guatemala	1	2,004,900 (1920)
Haiti	1	2,300,200 (est.)
Honduras	1	773,408 (1923)
Liberia	1	2,000,000 (est.)
Nicaragua	1	638,119 (1920
Panama	1	442,522 (1923)
Paraguay	1	828,969 (est.)
Salvador	1	1,688,129 (est.)
Luxembourg	1	285,524 (1927)

N.B.—The Unit contributions are those proposed by the Committee of Allocation of Expenses on May 4th, 1925, and adopted by the Fourth Committee of 1925. See Records of Sixth Assembly; Minutes of Fourth Committee, p. 243. This scale will probably be in force until 1933.

The population figures are those of the Statesman's Year Book, 1929. In the cases of Great Britain, the Netherlands, Italy, France, Denmark, Portugal and Spain, they represent the population of the mother country alone and do not include overseas dependencies.

APPENDIX I

STRENGTHS OF NATIONAL QUOTAS

THE figures compiled in the tables set forth below have been extracted from the League of Nations Armaments Year Book. In all cases reserves and air forces have been excluded from the computation. Tables I and II are intended to illustrate the working of the "barème" and population formulæ. In Table I the "barème" is applied to the forces of all the members of the League, whilst in Table II the European requirements of the authority are assessed on the "barème" and population basis, in order to compare the results of each formula. The basic figures included therein are purely hypothetical. It is not intended to suggest what may or may not be the total quota requirements of the international authority. But it is intended to show that if the States-Members of the League can reach an agreement upon the principles underlying the establishment of an international police force, the "barème" and population formulæ, with possible modifications, offer a reasonable basis of discussion in evolving a practicable scheme. It is for the members of the League, assisted by their military experts, to say what are the total quota requirements of the authority. Once this figure has been fixed, the application of the formulæ provides the ratio for its distribution amongst participating States-Members.

There are three other points to be noted in connection with these Tables.

Firstly, as has already been pointed out,[1] there is no uniformity in the existing classifications of the national forces maintained by the different States, either for the specific purposes for which they are intended, or as to their territorial distribution. For instance, the forces employed by Italy and Japan in policing their dependencies, e.g. Tripoli, Korea, etc., are not shown in the Armaments Year Book. On the other hand, in the British and French returns, the Colonial contingents are given separately. Consequently it is not suggested that the figures contained in Column 3 of Table I and Columns 3 and 8 of Table II represent a true comparison between the armies of those countries whose forces are enumerated therein.

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[1] See chap. IX, p. 351.

France, for instance, possesses a Colonial contingent whose effectives number 225,424; whilst Great Britain maintains 31,710 for policing her dependencies, in addition to the garrisons in India (see Table III, Column 2). These figures would have to be added to those given in the above columns if a real comparison is to be instituted between the forces of those States and, say, those of Italy and Japan (cf. Table III).

Secondly, so far as their military value and training is concerned, it is difficult to institute any comparison between the national forces, described as " Existing Home Armies " (Table I, Column 3). The training, and consequently to some extent the value, of these effectives varies according to the military organisation employed by their respective countries. For example, the home armies in Great Britain and Germany are composed of men voluntarily enlisted for long periods. The French, Belgian and other continental forces are made up of conscripts whose training may be limited to one or two years,[1] whilst other countries, notably Australia and Switzerland, are content with a militia system in which the period of training may be curtailed to a few weeks or months in the year. For the purposes of a general classification, however, and as representing the national forces described in the Year Book, they are all included in this column.

It is obvious that until States-Members of the League have agreed to classify their national forces under the three categories described in Chapter IX, it will be impossible to institute the classification which has been attempted for purposes of illustration in these Tables.

Thirdly, the increases and decreases shown in Column 4 of Table I, Columns 4 and 9 of Table II, are given simply to demonstrate the effect of the application of the formulæ, so far as quotas are concerned, upon the existing establishments. It is not intended to suggest that all these reductions could be effected, inasmuch as no provision has been made for the effective policing of the home countries or dependencies abroad. Until these domestic requirements are computed, it is impossible to estimate the possible reduction in the number of total effectives. An attempt has been made to demonstrate this point by the inclusion of Table III.

Table III represents, for the purposes of illustration, a classification of the permissive and authorised forces of national police, excluding the constabularies to be allotted at the outset to each State-Member under the scheme.

[1] See chap. VI, p. 245.

If a classification on these lines could be agreed upon, and the appropriate figures inserted, the resulting schedule could be annexed to the Treaty constituting the international police force. It is impossible at this stage to express these classifications in terms of figures, except in a few instances, e.g. in Column 1, tentative figures are given for France and Germany, but it is not known what proportion of, say, the British or Italian home armies are regarded as reinforcements to the constabularies at home and the garrisons overseas.

Further, only six countries are included in the Table, which is intended merely to illustrate the working of the scheme. The totals in each case represent the full complement of National Police, which, under the Treaty, are allowed to each State-Member, i.e. the maximum number of effectives for the purpose of discharging the police functions enumerated in Categories I, II and III in Chapter IX.

The quota figures represent the totals shown in Tables I and II as the result of applying the "barème" and population formulæ.

The authors of any quota schemes based on the "barème" will always be confronted with the difficulty of suggesting a ratio which, whilst reducing the total existing military effectives of all the States-Members, nevertheless has the effect of increasing the forces of a number of countries, whose present military establishments are relatively low, but whose contributions under the "barème" are relatively high.

The exclusive application of the "barème," for instance, produces enormous reductions in the establishments of the great military powers, e.g. France, Italy and Poland, whilst it increases the commitments of other States, including Great Britain, the British Dominions Denmark, Norway, Sweden and Germany.

The exceptional limitations imposed upon the military establishments of the Central Powers should not be regarded as vitiating the scheme, inasmuch as their present relative position bears no comparison with that of other countries.

It is also true that all States-Members, having handed over their modern weapons to the international police, will be relieved of these encumbrances. Great Britain, for example, will no longer be under the necessity of maintaining single-handed an enormous fleet. Henceforth this burden will be shared by the other members of the international commonwealth.

A real difficulty, however, arises in the case of those States-

Members whose existing forces may have to be augmented in order to satisfy the requirements of the "barème," especially of those outside the confines of Europe. This difficulty may be lessened by fixing the total world requirements of the authority at a comparatively low figure, say, a million effectives. It will still, however, be necessary to provide for the special continental requirements of the authority as a protective agency, until such time as it embraces all the Great Powers within its circle. To meet this necessity, its total world quota effectives (a million) might be increased by additional continental allocations in such cases as may be considered necessary in order to meet the exigencies of the present situation. These continental allocations might be assessed on the basis of the "barème" or population formulæ (see Table II).

The problem of continental allocation is one which chiefly concerns Europe, so long as Russia with an army exceeding half a million peace effectives remains outside the international circle. The world requirements of the authority estimated at a million, rationed on the "barème," produces a total European quota of approximately 600,000 (Table I). The extra continental allocation of, say, half a million, distributed on the "barème" or population formula (Table II), brings the European total to approximately 1,100,000. If this figure is considered to be insufficient, it can be augmented by increasing the continental allocation of half a million or by expanding the national quotas of those States-Members whose frontiers adjoin Russian territory. As we have seen,[1] the cost of maintaining these increases in the effectives of the frontier quotas should be borne by the international authority.

It is probable, however, that all States-Members will not desire to avail themselves of the full number of effectives to which they may be entitled under the Treaty, especially if this number happens to be in excess of their existing military establishments. In normal times they will probably regard the quota effectives as fulfilling the rôle of the forces described in Table III, Column 1, namely the reinforcements to the constabularies at home and the garrisons abroad.

To obviate the difficulty of increasing the quota peace effectives beyond the existing establishments, it is suggested that, in certain cases, the creation of special reserves should be sanctioned. Thus when the quota effectives were requisitioned by the international authority, their place would be taken in the home policing organisation by calling up the special reserve.

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[1] See chap. XI, p. 411.

Take, for instance, the case of Great Britain, the peace effectives of whose existing home army (exclusive of the forces employed in India and other dependencies) number approximately 120,000 (Column 4, Table I). Her total quota figure is 170,000 (Column 4, Table III). Consequently in order to maintain her quota at full strength on a peace footing, it would be necessary to increase her home army by 50,000 men. In addition, when the quota was requisitioned by the international authority, provision would have to be made for X (Column 1, Table III), i.e. for the force responsible for reinforcing the constabularies at home and the garrisons abroad. Great Britain would naturally object to increasing her standing army by 50,000 men plus X. This difficulty might be overcome by the establishment of a special reserve (Z.1, Column 5, Table III), of, say, 100,000 effectives. Thus, when the quota was requisitioned, a force, say, of 60,000 or 90,000 would be available immediately for embarkation in the course of a few days, leaving the remaining half or quarter of the peace establishment effectives until such time as the 100,000 reservists had been mobilised. When this had been accomplished, the last batch of the expeditionary quota force, consisting of 110,000 or 80,000 men, would be available for service abroad, leaving 50,000 of the special reserve to perform the functions of X. Thereafter the general reserves would be called up to provide reinforcements as required.

Under this arrangement, the period of mobilisation of the total British Quota Force would be prolonged. On the other hand, a State-Member which had enlisted its full complement of National Police would be able to despatch its entire quota in a much shorter space of time. France, for example, may have earmarked 125,000 men (Column 1, Table III) for the maintenance of domestic security in addition to her quota, and would therefore be able to release her full quota without any delay. Each State-Member will have undertaken to provide the authority with its quota within a certain specified time, i.e. the mobilisation period; which may be defined as the time which elapses between the date when the requisition is made by the international authority, and the date when the quota is ready to be handed over to its control to be despatched to the seat of the disturbance.

Into these arrangements a certain measure of elasticity may be introduced. The mobilisation period may be varied to meet the peculiar conditions and special circumstances of a State-Member.

It is clear that the geographical position of the State-Member, the tactical organisation of its National Police and the strength of its existing military establishment should be taken into consideration in fixing this period. Canada, for instance, would probably object to increasing her peace effectives from the present figure of 3,700 to 35,000 (see Table I). On the other hand, she might be willing to guarantee to place a quota of, say, 5,000 men at the disposal of the authority within a few weeks, and the remainder within a period, say, of three or six months. Thus the number of quota effectives on a peace footing in certain cases may be adjusted so as to approximate to the strength of existing establishments by the creation of special reserves, and the prolongation of the mobilisation period, without prejudicing the adoption of the "barème" and population formulæ.

Moreover, the establishments of those countries whose contributions under the "barème" are considerably in excess of their existing forces would not necessarily have to be increased, beyond making provision for the equipment and rapid mobilisation of a special reserve, the effectives of which had already during their period of service conformed to the standard of training specified in the scheme.

It is clear, however, that these modifications and adjustments should be strictly limited in their scope, otherwise the position of the authority and the superiority of the international police force might be endangered. They should be restricted to those nations whose quota contributions are greatly in excess of their existing peace establishments. Moreover, any measure of elasticity in the application of the formulæ should only be agreed to provided the obligations of each State-Member—the number of effectives, the standard of training, and the period of mobilisation—are clearly defined and guaranteed, and that the scheme, regarded as a whole, places the international authority in an impregnable position.

It must always be remembered that the existence of the international police is the decisive factor in all these arrangements, and that the reimbursement of the costs of all police actions undertaken by the quotas is guaranteed by the members of the international authority.[1]

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[1] See chap. XI, p. 422.

TABLE I

DISTRIBUTION OF 1,000,000 WORLD EFFECTIVES ON BARÈME FORMULA

Country.	1	2	3	4
	Barème Units.	Quota.	Existing Army (excluding dependencies).	*Increase* (+) or Decrease (*a*).
Abyssinia	2	2,028	—	—
Albania	1	1,014	10,331	9,317
Argentine	29	29,406	27,484	+ *1,922*
Australia	27	27,378	44,634 (*b*)	17,256
Austria	8	8,112	20,358	12,246
Belgium	18	18,252	65,163	46,911
Bolivia	4	4,056	8,000	3,944
Bulgaria	5	5,070	22,497	17,427
Canada	35	35,490	3,758 (*c*)	+ *31,732*
Chile	14	14,196	22,380	8,184
China	46	46,644	1,603,000	1,556,356
Colombia	6	6,084	8,755	2,671
Cuba	9	9,126	12,438	3,312
Czecho-Slovakia	29	29,406	126,774	97,368
Denmark	12	12,168	9,909	+ *2,259*
Esthonia	3	3,042	17,340	14,298
Finland	10	10,140	25,952	15,812
France	79	80,106	392,109 (*d*)	312,003
Germany	79	80,106	99,191	19,085
Great Britain	105	106,470	117,274 (*e*)	10,804
Greece	7	7,098	67,121	60,023
Guatemala	1	1,014	6,791	5,777
Haiti	1	1,014	2,707	1,693
Honduras	1	1,014	2,253	1,239
Hungary	8	8,112	35,034	26,922
India	56	56,784	197,749 (*f*)	140,965
Irish Free State	10	10,140	12,755	2,615
Italy	60	60,840	256,397 (*g*)	195,557
Japan	60	60,840	198,800	137,960

(*a*) This column is inserted merely to show the increases or decreases of the quota effectives in comparison with existing establishments. It is not intended to indicate what reductions of strength may be possible in the National Police, inasmuch as the reinforcements to the constabularies (Category I) and to the garrisons in the dependencies (Category II) are omitted. See Table III.

(*b*) Inclusive of 1,750 officers and men permanently employed and 42,884 citizen soldiers.—*Armaments Year Book*, 1928–29, p. 185.

(*c*) i.e. Permanent Active Militia. The Non-Permanent Active Militia comprises 126,774 officers and men.—*Id.*, p. 204.

(*d*) Inclusive of 18,381 officers and 276,744 N.C.O.'s and men of the French army troops at home, 113 military attaches, 2,082 officers and 43,523 men of the Colonial Forces at home, 837 officers and men in the Saar and 50,429 officers and men in the Rhineland.—*Id.*, p. 418.

(*e*) i.e. 107,117 regimental troops at home, 7,252 regimental troops in occupation of the Rhineland and 2,905 members of the permanent staff of the Territorial Army, etc.—*Id.*, pp. 104–106.

(*f*) Inclusive of 3,094 officers and 56,074 other ranks white troops in addition to the native army recruited in India.—*Id.*, p. 235.

TABLE I (*continued*)

DISTRIBUTION OF 1,000,000 WORLD EFFECTIVES ON BARÈME FORMULA

Country.	1 Barème Units.	2 Quota.	3 Existing Army (excluding Dependencies).	4 *Increase* (+) or Decrease (*a*).
Latvia . . .	3	3,042	20,000	16,958
Liberia. . .	1	1,014	—	—
Lithuania . .	4	4,056	23,521	19,465
Luxembourg .	1	1,014	176	+ *838*
Netherlands . .	23	23,322	35,030 (*h*)	11,708
New Zealand .	10	10,140	495 (*i*)	+ *9,645*
Nicaragua . .	1	1,014	337	+ *677*
Norway . .	9	9,126	14,515 (*j*)	5,389
Panama . .	1	1,014	—	—
Paraguay . .	1	1,014	2,915	1,901
Persia . . .	5	5,070	40,000	34,930
Peru . . .	9	9,126	7,556	+ *1,570*
Poland . .	32	32,448	253,824	221,376
Portugal . .	6	6,084	58,776 (*k*)	52,692
Rumania . .	22	22,308	194,017 (*l*)	171,709
Salvador . .	1	1,014	3,000	1,986
San Domingo .	1	1,014	2,086	1,072
Serb-Croat-Slovene State . .	20	20,280	108,595	88,315
Siam . . .	9	9,126	25,000	15,874
Spain . . .	40	40,560	113,434	72,874
Sweden . .	18	18,252	20,558 (*m*)	2,306
Switzerland . .	17	17,238	32,334 (*n*)	15,096
U. of S. Africa .	15	15,210	7,650 (*o*)	+ *7,560*
Uruguay . .	7	7,098	8,132	1,034
Venezuela . .	5	5,070	6,000	930
	986	999,804	4,394,905	3,399,157

(*g*) i.e. 15,868 officers actually serving, 614 on the supernumerary list, 2,997 temporarily unemployed, 190 temporarily on leave and 3,228 on the special list, with 233,500 under-officers and other ranks under arms.—*Id.*, p. 508.

(*h*) i.e. officers on the active list, warrant officers, etc., in voluntary service or serving in the militia, reservists in service and volunteers.—*Id.*, p. 610.

(*i*) i.e. Permanent forces. The Territorial Force numbers 21,209 officers and other ranks.—*Id.*, p. 256.

(*j*) Including 10,195 recruits.—*Id.*, p. 635.

(*k*) Inclusive of 25,000 recruits serving for 152 days.—*Id.*, p. 687.

(*l*) Exclusive of 3,814 civilian officials employed by the army.—*Id.*, p. 709.

(*m*) i.e. 1,684 officers and 1,029 N.C.O.'s on the active list and 17,845 men.—*Id.*, p. 775.

(*n*) i.e. 278 training staff, 7,656 officers and men in training cadres and 24,400 recruits.—*Id.*, pp. 805–806.

(*o*) i.e. 1,139 officers and men in the permanent force and 6,511 coast garrisons and active citizen forces.—*Id.*, p. 273.

TABLE

DISTRIBUTION OF 500,000 ADDITIONAL EFFECTIVES FOR POPULATION

Country.	(A) BARÈME FORMULA.			
	1	2	3	4
	Proportion of 500,000 Additional Effectives.	Total Quota.	Existing Army (excluding Dependencies)	*Increase* (+) or Decrease (*a*).
Albania . .	795	1,809	10,331	8,522
Austria . .	6,360	14,472	20,358	5,886
Belgium . .	14,310	32,562	65,163	32,601
Bulgaria . .	3,975	9,045	22,497	13,452
Czecho-Slovakia .	23,055	52,461	126,774	74,313
Denmark . .	9,540	21,708	9,909	+ *11,799*
Esthonia . .	2,385	5,427	17,340	11,913
Finland . .	7,950	18,090	25,952	7,862
France . .	62,805	142,911	392,109	249,198
Germany . .	62,805	142,911	99,191	+ *43,720*
Great Britain .	83,475	189,945	117,274	+ *72,671*
Greece . .	5,565	12,663	67,121	54,458
Hungary . .	6,360	14,472	35,034	20,562
Irish Free State .	7,950	18,090	12,755	+ *5,335*
Italy . .	47,700	108,540	256,397	147,857
Latvia . .	2,385	5,427	20,000	14,573
Lithuania . .	3,180	7,236	23,521	16,285
Luxembourg .	795	1,809	176	+ *1,633*
Netherlands .	18,285	41,607	35,030	+ *6,577*
Norway . .	7,155	16,281	14,515	+ *1,766*
Poland . .	25,440	57,888	253,824	195,936
Portugal . .	4,770	10,854	58,776	47,922
Rumania . .	17,490	39,798	194,017	154,219
Serb-Croat-Slovene State	15,900	36,180	108,595	72,415
Spain . .	31,800	72,360	113,434	41,074
Sweden . .	14,310	32,562	20,558	+ *12,004*
Switzerland .	13,515	30,753	32,334	1,581
Total . .	500,055	1,137,861	2,152,985	1,015,124

(*a*) See note (*a*), Table I above.

II

THE CONTINENT OF EUROPE ON BARÈME AND FORMULÆ

(B) POPULATION FORMULA.

5	6	7	8	9
Population in 000's.	Proportion of 500,000 Additional Effectives.	Total Quota.	Existing Army (excluding Dependencies).	*Increase* (+) or Decrease (*a*).
831	1,122	2,126	10,331	8,205
6,603	9,240	17,352	20,358	3,006
7,932	11,060	29,312	65,163	35,851
5,596	7,840	12,910	22,497	9,587
14,438	20,160	49,566	126,774	77,208
3,474	4,900	17,068	9,909	+ *7,159*
1,115	1,540	4,582	17,340	12,758
3,558	5,040	15,180	25,952	10,772
40,960	57,260	137,366	392,109	254,743
63,635	89,040	169,146	99,191	+ *69,955*
45,367	63,560	170,030	117,274	+ *52,756*
6,197	8,680	15,778	67,121	51,343
8,365	11,620	19,732	35,034	15,302
2,972	4,200	14,340	12,755	+ *1,585*
40,796	57,120	117,960	256,397	138,437
1,870	2,660	5,702	20,000	14,298
2,229	3,080	7,136	23,521	16,385
271	420	1,434	176	+ *1,258*
7,626	10,640	33,962	35,030	1,068
2,798	3,920	13,046	14,515	1,469
30,213	42,280	74,728	253,824	179,096
6,080	8,540	14,624	58,776	44,152
17,459	24,500	46,808	194,017	147,209
12,492	17,500	37,780	108,595	70,815
22,127	30,940	71,500	113,434	41,934
6,087	8,540	26,792	20,558	+ *6,234*
3,980	5,600	22,838	32,334	9,496
365,071	511,002	1,148,798	2,152,985	1,004,187

(*a*) See note (*a*), Table I above.

TABLE

AUTHORISED OR PERMISSIVE TOTALS OF NATIONAL

Country.	1	2	3
	Home Army for Reinforcing Civil Constabularies—Category I.	Army for Policing of Dependencies—Category II.	Quota (Table I plus Table II (A)—Barème)—Category III.
France . . .	125,000 (*a*)	225,424 (*d*)	142,911
Great Britain .	(*b*)	31,710 (*e*)	189,945
Germany . .	100,000 (*c*)	Y	142,911
Italy . . .	X (*b*)	Y (*f*)	108,540
Japan . . .	X (*b*)	Y (*f*)	60,840 (Table I only)
Poland . .	X (*b*)	Y	57,888

(*a*) In the reply of the French Government to the League Questionnaire of 1922, it was stated that the maintenance of internal order, which requires a minimum of 125,000 men, falls largely upon the army. It is assumed from this statement that 125,000 men from the army are earmarked for this purpose.—See Records of Third Assembly ; Minutes of Third Committee, p. 100.

(*b*) In the cases of Great Britain, Italy, Japan and Poland no indication is given of the strength of the military forces which are considered necessary for the reinforcement of the constabularies and the garrisons in dependencies.

(*c*) Under Part V of the Treaty of Versailles Germany's requirements under this heading were assessed at 100,000 men.

(*d*) Inclusive of 79,009 French army troops and 10,232 officers and men of the Colonial Forces in Algeria and Tunis, 1,709 in China, 70,225 in Morocco, and 15,266 in the Levant, together with 48,983 officers and men borne on the Colonial budget.—*Armaments Year Book*, 1928–29, p. 418.

III

POLICE CLASSIFIED FOR THE PURPOSES OF A TREATY

4	5	6	7
Quota (Table I plus Table II (B)—Population Basis)—Category III.	Special Reserve (*g*).	General Reserve or Quota Reinforcements.	Total Permissive National Police (*h*).
137,366	—	Z.2	487,790 plus Z.2
170,030	Z.1	Z.2	201,740 plus Z.1, Z.2
169,146	—	Z.2	269,146 plus Y, Z.2
117,960	—	Z.2	117,960 plus X, Y, Z.2
60,840 (Table I only)	—	Z.2	60,840 plus X, Y, Z.2
74,728	—	Z.2	74,728 plus X, Y, Z.2

(*e*) i.e. 27,461 British regimental troops in the colonies and abroad, 1,500 maintained by the Air Ministry in the Near East, 1,326 Channel Islands militia and 1,423 militia in Malta and Bermuda.—*Armaments Year Book*, 1928–29, pp. 103–106.

This total does not, therefore, include 60,044 British regimental troops stationed in India. These are comprised in the Indian army total of 197,749 (see Table I). India is a State-Member of the League, and is therefore dealt with separately.

(*f*) In the *Armaments Year Book* the forces engaged in policing the dependencies and colonies of Italy and Japan, e.g. Tripoli, Korea, etc., are not shown.

(*g*) The Special Reserve may be required in those cases where no home army is specified and where the quotas in normal times are regarded as fulfilling this function. The country, therefore, which has an allocation under Column 1 (X), plus its full quota, will not require Z.1. See introduction.

(*h*) The total is arrived at by the inclusion of Column 4, not Column 3.

APPENDIX J

DISTRIBUTION OF NON-PERMANENT SEATS ON THE EXECUTIVE

IN Chapter XIII, it has been proposed that the States-Members of the League might be classified for the purposes of representation on the executive of the international authority. It was further suggested that this classification should be based upon the "barème" formula.

In Appendix H will be found a table showing the number of units at present allocated to each State-Member, upon which are assessed its contribution to the Exchequer of the League. Periodically this table is subject to revision[1] and consequently the contributions of individual States-Members may vary from time to time.

Of the fifty-four States-Members at present constituting the international commonwealth, five, namely, Great Britain, France, Germany, Italy and Japan, are assessed at sixty units and over. These states occupy permanent seats on the Council of the League, and may be described as belonging to Class I. It would therefore appear that sixty units is the minimum figure which enables a State-Member to acquire this exalted position. The converse should also be true, namely, that any State-Member whose assessment falls below the minimum standard of, say, sixty units should automatically cease to belong to Class I, and should be included amongst the non-permanent members in Class II, whilst any State at present in the non-permanent list whose assessment is increased to or above the minimum standard, should be accorded the status erroneously described as permanent. The description "permanent," as applied to seats on the Council, is true only in a relative sense. In human affairs there is no permanence in anything except death. States, however, do not die—they decay, but usually re-appear in some new form or variation, and are therefore always subject to the law of change or non-permanence.

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[1] See p. 407, note 3.

At the other end of the scale, nineteen States-Members are assessed at less than six units, and may be described as the third class. Between the first and third classes there are thirty States-Members occupying an intermediate position, whose assessments vary from six to fifty-six units.

In Chapter XIII, it was proposed that the representation of this class on the Executive should bear some relation to their assessment under the "barème." The following are some of the methods by which this result may be achieved. In each case five seats are allotted to the non-permanent members.

(i) *Election by Proportionate Voting Power.*—It is suggested that each of the thirty states contributing six or more units should be accorded a number of votes equal in number to the units at which they have been assessed. India, for instance, would have 56 votes, the Netherlands 23, and Portugal 6. Each State might, at its own option, cast its votes *en bloc* for a single candidate or divide them. The five States securing the greatest number of votes would be elected, but might be declared to be ineligible for re-election during the ensuing period.

(ii) *Rotation.*—A simple system of rotation, whereby each of the thirty States is represented on the executive for a period of one or two years might be introduced. Under this arrangement, each State would secure representation for one year in every six.

(iii) *Group Representation.*—(*a*) In order to confer a greater measure of representation upon those States which contribute the largest amounts towards the maintenance of the authority, it might be arranged that the thirty States comprising Class II should be divided into two groups.

(1) Those which are assessed at fifteen units and upwards, and

(2) Those whose contributions are levied upon less than fifteen units, but more than five.

The figure fifteen is purely arbitrary, and has been suggested on grounds of expediency and convenience, because it has the effect of dividing the thirty States into two groups of equal numbers. Thus three seats might be held in rotation by the members of the first group for a period of three years, whilst the remaining two seats would be allocated to the second group, each State in this group serving for two years. Thus at the end of fifteen years, the States in the first group will each have served on the executive for three years, and those in the second, for two years.

To illustrate the working of this arrangement, the first group has been divided into the following sub-groups:

Sub-Group I	*Sub-Group II*	*Sub-Group III*
India	Netherlands	Poland
China	Spain	Czecho-Slovakia
Canada	Argentina	Rumania
Australia	Sweden	Serb-Croat-Slovene State
South Africa	Belgium	Switzerland

It will be seen that if each sub-group supplies a representative and the members of each sub-group follow one another in rotation, the representation in any period will always be shared between European and non-European States.

Similarly, if the States comprising the second group are arranged in the following order: Chile, Denmark, New Zealand, Norway, Peru, Ireland, Cuba, Finland, Siam, Hungary, Uruguay, Austria, Colombia, Greece and Portugal; and the two seats are held in rotation in the above order, in fourteen out of the fifteen periods, one seat would be held by an European and the other by a non-European State.

(*b*) If it is desired to emphasise still further the application of the "barème," the following grouping arrangement is suggested:

GROUP I—4 STATES-MEMBERS

Country.	*Units.*	*Country.*	*Units.*
India	56	Spain	40
China	46	Canada	35

GROUP II—5 STATES-MEMBERS

Country.	*Units.*	*Country.*	*Units.*
Poland	32	Australia	27
Argentina	29	Netherlands	23
Czecho-Slovakia	29		

GROUP III—6 STATES-MEMBERS

Country.	*Units.*	*Country.*	*Units.*
Rumania	22	Sweden	18
Serb-Croat-Slovene State	20	Switzerland	17
Belgium	18	South Africa	15

Group IV.—The States comprised in the second group in the preceding scheme (*a*).

Each of the first three groups would provide one representative, whilst Group IV would provide two, as in the preceding scheme. The members of each group would serve in rotation.

Thus, the members of:

Group I would serve for two years during a period of eight years;

Group II would serve for two years during a period of ten years;

Group III would serve for two years during a period of twelve years;

Group IV would serve for two years during a period of fifteen years.

APPENDIX K

THE COVENANT OF THE LEAGUE OF NATIONS

THE High Contracting Parties,

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments,

and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

Article 1

1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

2. Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

3. Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

Article 2

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

Article 3

1. The Assembly shall consist of Representatives of the Members of the League.

2. The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

3. The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

4. At meetings of the Assembly, each Member of the League shall have one vote, and may have not more than three Representatives.

Article 4

1. The Council shall consist of Representatives of the Principal Allied and Associated Powers,[1] together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

2. With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be Members of the Council[2]; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.[3]

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[1] The Principal Allied and Associated Powers are the following: The United States of America, the British Empire, France, Italy and Japan (see Preamble of the Treaty of Peace with Germany).

[2] In virtue of this paragraph of the Covenant, Germany was nominated as a permanent Member of the Council on September 8th, 1926.

[3] The number of Members of the Council selected by the Assembly was increased to six instead of four by virtue of a resolution adopted at the third ordinary meeting of the Assembly on September 25th, 1922. By a resolution taken by the Assembly on September 8th, 1926, the number of Members of the Council selected by the Assembly was increased to nine.

2. (*b*) The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility.

3. The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

4. The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

5. Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a Member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

6. At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

Article 5

1. Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

2. All matters of precedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

3. The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

Article 6

1. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary-General and such secretaries and staff as may be required.

2. The first Secretary-General shall be the person named in the Annex; thereafter the Secretary-General shall be appointed by the Council with the approval of the majority of the Assembly.

3. The secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council.

4. The Secretary-General shall act in that capacity at all meetings of the Assembly and of the Council.

5. The expenses of the League shall be borne by the Members of the League in the proportion decided by the Assembly.

Article 7

1. The Seat of the League is established at Geneva.

2. The Council may at any time decide that the Seat of the League shall be established elsewhere.

3. All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

4. Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

5. The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

Article 8

1. The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

2. The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

3. Such plans shall be subject to reconsideration and revision at least every ten years.

4. After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

5. The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

6. The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to warlike purposes.

Article 9

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

Article 10

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

Article 11

1. Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary-General shall on the request of any Member of the League forthwith summon a meeting of the Council.

2. It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Article 12

1. The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report by the Council.

2. In any case under this Article the award of the arbitrators or the judicial decision shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

Article 13

1. The Members of the League agree that whenever any dispute shall arise between them which they recognise to be

suitable for submission to arbitration or judicial settlement, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or judicial settlement.

2. Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration or judicial settlement.

3. For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article 14, or any tribunal agreed on by the parties to the dispute or stipulated in any convention existing between them.

4. The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award or decision, the Council shall propose what steps should be taken to give effect thereto.

Article 14

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

Article 15

1. If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration or judicial settlement in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof.

2. For this purpose the parties to the dispute will communicate

to the Secretary-General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

3. The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

4. If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

5. Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

6. If a report by the Council is unanimously agreed to by the Members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

7. If the Council fails to reach a report which is unanimously agreed to by the Members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

8. If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

9. The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

10. In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other

Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the Members thereof other than the Representatives of one or more of the parties to the dispute.

Article 16

1. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

Article 17

1. In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon

such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

2. Upon such invitation being given the Council shall immediately institute an enquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

3. If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

4. If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Article 18

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

Article 19

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

Article 20

1. The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

2. In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

Article 21

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

Article 22

1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory,

and will also secure equal opportunities for the trade and commerce of other Members of the League.

6. There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

8. The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

Article 23

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

(*a*) will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;

(*b*) undertake to secure just treatment of the native inhabitants of territories under their control;

(*c*) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;

(*d*) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(*e*) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914–18 shall be borne in mind ;

(*f*) will endeavour to take steps in matters of international concern for the prevention and control of disease.

Article 24

1. There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

2. In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

3. The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

Article 25

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

Article 26

1. Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

2. No such amendments shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

APPENDIX L

PROTOCOL FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES (1924)

ANIMATED by the firm desire to ensure the maintenance of general peace and the security of nations whose existence, independence or territories may be threatened ;

Recognising the solidarity of the members of the international community ;

Asserting that a war of aggression constitutes a violation of this solidarity and an international crime ;

Desirous of facilitating the complete application of the system provided in the Covenant of the League of Nations for the pacific settlement of disputes between States and of ensuring the repression of international crimes ; and

For the purpose of realising, as contemplated by Article 8 of the Covenant, the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations ;

The Undersigned, duly authorised to that effect, agree as follows :

Article 1

The signatory States undertake to make every effort in their power to secure the introduction into the Covenant of amendments on the lines of the provisions contained in the following articles.

They agree that, as between themselves, these provisions shall be binding as from the coming into force of the present Protocol and that, so far as they are concerned, the Assembly and the Council of the League of Nations shall thenceforth have power to exercise all the rights and perform all the duties conferred upon them by the Protocol.

Article 2

The signatory States agree in no case to resort to war either with one another or against a State which, if the occasion arises, accepts all the obligations hereinafter set out, except in case of resistance to acts of aggression or when acting in agreement with the Council or the Assembly of the League of Nations in accordance with the provisions of the Covenant and of the present Protocol.

Article 3

The signatory States undertake to recognise as compulsory *ipso facto* and without special agreement, the jurisdiction of the Permanent Court of International Justice in the cases covered by paragraph 2 of Article 36 of the Statute of the Court, but without prejudice to the right of any State, when acceding to the special protocol provided for in the said Article and opened for signature on December 16th, 1920, to make reservations compatible with the said clause.

Accession to this special protocol, opened for signature on December 16th, 1920, must be given within the month following the coming into force of the present Protocol.

States which accede to the present Protocol, after its coming into force, must carry out the above obligation within the month following their accession.

Article 4

With a view to render more complete the provisions of paragraphs 4, 5, 6 and 7 of Article 15 of the Covenant, the signatory States agree to comply with the following procedure:

1. If the dispute submitted to the Council is not settled by it as provided in paragraph 3 of the said Article 15, the Council shall endeavour to persuade the parties to submit the dispute to judicial settlement or arbitration.

2. (*a*) If the parties cannot agree to do so, there shall, at the request of at least one of the parties, be constituted a Committee of Arbitrators. The Committee shall so far as possible be constituted by agreement between the parties.

   (*b*) If within the period fixed by the Council the parties have failed to agree, in whole or in part, upon the number, the names and the powers of the arbitrators and upon the procedure, the Council shall settle the points remaining in suspense. It shall with the utmost possible despatch select in consultation with the parties the arbitrators and their President from among persons who by their nationality, their personal character and their experience appear to it to furnish the highest guarantees of competence and impartiality.

(*c*) After the claims of the parties have been formulated, the Committee of Arbitrators, on the request of any party, shall through the medium of the Council request an advisory opinion upon any points of law in dispute from the Permanent Court of International Justice, which in such case shall meet with the utmost possible despatch.

3. If none of the parties asks for arbitration, the Council shall again take the dispute under consideration. If the Council reaches a report which is unanimously agreed to by the members thereof other than the representatives of any of the parties to the dispute, the signatory States agree to comply with the recommendations therein.
4. If the Council fails to reach a report which is concurred in by all its members, other than the representatives of any of the parties to the dispute, it shall submit the dispute to arbitration. It shall itself determine the composition, the powers and the procedure of the Committee of Arbitrators and, in the choice of the arbitrators, shall bear in mind the guarantees of competence and impartiality referred to in paragraph 2 (*b*) above.
5. In no case may a solution, upon which there has already been a unanimous recommendation of the Council accepted by one of the parties concerned, be again called in question.
6. The signatory States undertake that they will carry out in full good faith any judicial sentence or arbitral award that may be rendered and that they will comply, as provided in paragraph 3 above, with the solutions recommended by the Council. In the event of a State failing to carry out the above undertakings, the Council shall exert all its influence to secure compliance therewith. If it fails therein, it shall propose what steps should be taken to give effect thereto, in accordance with the provision contained at the end of Article 13 of the Covenant. Should a State in disregard of the above undertakings resort to war, the sanctions provided for by Article 16 of the Covenant, interpreted in the manner indicated in the present Protocol, shall immediately become applicable to it.
7. The provisions of the present article do not apply to the settlement of disputes which arise as the result of measures of war taken by one or more signatory States in agreement with the Council or the Assembly.

Article 5

The provisions of paragraph 8 of Article 15 of the Covenant shall continue to apply in proceedings before the Council.

If in the course of an arbitration, such as is contemplated by Article 4 above, one of the parties claims that the dispute, or part thereof, arises out of a matter which by international law is solely within the domestic jurisdiction of that party, the arbitrators shall on this point take the advice of the Permanent Court of International Justice through the medium of the Council. The opinion of the Court shall be binding upon the arbitrators, who, if the opinion is affirmative, shall confine themselves to so declaring in their award.

If the question is held by the Court or by the Council to be a matter solely within the domestic jurisdiction of the State, this decision shall not prevent consideration of the situation by the Council or by the Assembly under Article 11 of the Covenant.

Article 6

If in accordance with paragraph 9 of Article 15 of the Covenant a dispute is referred to the Assembly, that body shall have for the settlement of the dispute all the powers conferred upon the Council as to endeavouring to reconcile the parties in the manner laid down in paragraphs 1, 2 and 3 of Article 15 of the Covenant and in paragraph 1 of Article 4 above.

Should the Assembly fail to achieve an amicable settlement :

If one of the parties asks for arbitration, the Council shall proceed to constitute the Committee of Arbitrators in the manner provided in sub-paragraphs (*a*), (*b*) and (*c*) of paragraph 2 of Article 4 above.

If no party asks for arbitration, the Assembly shall again take the dispute under consideration and shall have in this connection the same powers as the Council. Recommendations embodied in a report of the Assembly, provided that it secures the measure of support stipulated at the end of paragraph 10 of Article 15 of the Covenant, shall have the same value and effect, as regards all matters dealt with in the present Protocol, as recommendations embodied in a report of the Council adopted as provided in paragraph 3 of Article 4 above.

If the necessary majority cannot be obtained, the dispute shall be submitted to arbitration and the Council shall determine the composition, the powers and the procedure of the Committee of Arbitrators as laid down in paragraph 4 of Article 4.

Article 7

In the event of a dispute arising between two or more signatory States, these States agree that they will not either before the dispute is submitted to proceedings for pacific settlement or during such proceedings, make any increase of the armaments or effectives which might modify the position established by the Conference for the Reduction of Armaments provided for by Article 17 of the present Protocol, nor will they take any measure of military, naval, air, industrial or economic mobilisation, nor, in general, any action of a nature likely to extend the dispute or render it more acute.

It shall be the duty of the Council, in accordance with the provisions of Article 11 of the Covenant, to take under consideration any complaint as to infraction of the above undertakings which is made to it by one or more of the States parties to the dispute. Should the Council be of opinion that the complaint requires investigation, it shall, if it deems it expedient, arrange for enquiries and investigations in one or more of the countries concerned. Such enquiries and investigations shall be carried out with the utmost possible despatch and the signatory States undertake to afford every facility for carrying them out.

The sole object of measures taken by the Council as above provided is to facilitate the pacific settlement of disputes and they shall in no way prejudge the actual settlement.

If the result of such enquiries and investigations is to establish an infraction of the provisions of the first paragraph of the present Article, it shall be the duty of the Council to summon the State or States guilty of the infraction to put an end thereto. Should the State or States in question fail to comply with such summons, the Council shall declare them to be guilty of a violation of the Covenant or of the present Protocol, and shall decide upon the measures to be taken with a view to end as soon as possible a situation of a nature to threaten the peace of the world.

For the purposes of the present Article decisions of the Council may be taken by a two-thirds majority.

Article 8

The signatory States undertake to abstain from any act which might constitute a threat of aggression against another State.

If one of the signatory States is of opinion that another State is making preparations for war, it shall have the right to bring the matter to the notice of the Council.

The Council, if it ascertains that the facts are as alleged, shall proceed as provided in paragraphs 2, 4 and 5 of Article 7.

Article 9

The existence of demilitarised zones being calculated to prevent aggression and to facilitate a definite finding of the nature provided for in Article 10 below, the establishment of such zones between States mutually consenting thereto is recommended as a means of avoiding violations of the present Protocol.

The demilitarised zones already existing under the terms of certain treaties or conventions, or which may be established in future between States mutually consenting thereto, may at the request and at the expense of one or more of the conterminous States, be placed under a temporary or permanent system of supervision to be organised by the Council.

Article 10

Every State which resorts to war in violation of the undertakings contained in the Covenant or in the present Protocol is an aggressor. Violation of the rules laid down for a demilitarised zone shall be held equivalent to resort to war.

In the event of hostilities having broken out, any State shall be presumed to be an aggressor, unless a decision of the Council, which must be taken unanimously, shall otherwise declare:

1. If it has refused to submit the dispute to the procedure of pacific settlement provided by Articles 13 and 15 of the Covenant as amplified by the present Protocol, or to comply with a judicial sentence or arbitral award or with a unanimous recommendation of the Council, or has disregarded a unanimous report of the Council, a judicial sentence or an arbitral award recognising that the dispute between it and the other belligerent State arises out of a matter which by international law is solely within the domestic jurisdiction of the latter State; nevertheless, in the last case the State shall only be presumed to be an aggressor if it has not previously submitted the question to the Council or the Assembly, in accordance with Article 11 of the Covenant.
2. If it has violated provisional measures enjoined by the Council for the period while the proceedings are in progress as contemplated by Article 7 of the present Protocol.

Apart from the cases dealt with in paragraphs 1 and 2 of the present Article, if the Council does not at once succeed in determining the aggressor, it shall be bound to enjoin upon the belligerents an armistice, and shall fix the terms, acting, if need be, by a two-thirds majority and shall supervise its execution.

Any belligerent which has refused to accept the armistice or has violated its terms shall be deemed an aggressor.

The Council shall call upon the signatory States to apply forthwith against the aggressor the sanctions provided by Article 11 of the present Protocol, and any signatory State thus called upon shall thereupon be entitled to exercise the rights of a belligerent.

Article 11

As soon as the Council has called upon the signatory States to apply sanctions, as provided in the last paragraph of Article 10 of the present Protocol, the obligations of the said States, in regard to the sanctions of all kinds mentioned in paragraphs 1 and 2 of Article 16 of the Covenant, will immediately become operative in order that such sanctions may forthwith be employed against the aggressor.

Those obligations shall be interpreted as obliging each of the signatory States to co-operate loyally and effectively in support of the Covenant of the League of Nations, and in resistance to any act of aggression, in the degree which its geographical position and its particular situation as regards armaments allow.

In accordance with paragraph 3 of Article 16 of the Covenant the signatory States give a joint and several undertaking to come to the assistance of the State attacked or threatened, and to give each other mutual support by means of facilities and reciprocal exchanges as regards the provision of raw materials and supplies of every kind, openings of credits, transport and transit, and for this purpose to take all measures in their power to preserve the safety of communications by land and by sea of the attacked or threatened State.

If both parties to the dispute are aggressors within the meaning of Article 10, the economic and financial sanctions shall be applied to both of them.

Article 12

In view of the complexity of the conditions in which the Council may be called upon to exercise the functions mentioned in Article 11 of the present Protocol concerning economic and financial sanctions, and in order to determine more exactly the guarantees afforded by the present Protocol to the signatory States, the Council shall forthwith invite the economic and financial organisations of the League of Nations to consider and report as to the nature of the steps to be taken to give effect to the financial and economic sanctions and measures of co-operation contemplated in Article 16 of the Covenant and in Article 11 of this Protocol.

When in possession of this information, the Council shall draw up through its competent organs:

1. Plans of action for the application of the economic and financial sanctions against an aggressor State;
2. Plans of economic and financial co-operation between a State attacked and the different States assisting it;

and shall communicate these plans to the Members of the League and to the other signatory States.

Article 13

In view of the contingent military, naval and air sanctions provided for by Article 16 of the Covenant and by Article 11 of the present Protocol, the Council shall be entitled to receive undertakings from States determining in advance the military, naval and air forces which they would be able to bring into action immediately to ensure the fulfilment of the obligations in regard to sanctions which result from the Covenant and the present Protocol.

Furthermore, as soon as the Council has called upon the signatory States to apply sanctions, as provided in the last paragraph of Article 10 above, the said States may, in accordance with any agreements which they may previously have concluded, bring to the assistance of a particular State, which is the victim of aggression, their military, naval and air forces.

The agreements mentioned in the preceding paragraph shall be registered and published by the Secretariat of the League of Nations. They shall remain open to all States Members of the League which may desire to accede thereto.

Article 14

The Council shall alone be competent to declare that the application of sanctions shall cease and normal conditions be re-established.

Article 15

In conformity with the spirit of the present Protocol, the signatory States agree that the whole cost of any military, naval or air operations undertaken for the repression of an aggression under the terms of the Protocol, and reparation for all losses suffered by individuals, whether civilians or combatants, and for all material damage caused by the operations of both sides, shall be borne by the aggressor State up to the extreme limit of its capacity.

Nevertheless, in view of Article 10 of the Covenant, neither the territorial integrity nor the political independence of the aggressor State shall in any case be affected as the result of the application of the sanction mentioned in the present Protocol.

Article 16

The signatory States agree that in the event of a dispute between one or more of them and one or more States which have not signed the present Protocol and are not Members of the League of Nations, such non-Member States shall be invited, on the conditions contemplated in Article 17 of the Covenant, to submit, for the purpose of a pacific settlement, to the obligations accepted by the States signatories of the present Protocol.

If the State so invited, having refused to accept the said conditions and obligations, resorts to war against a signatory State, the provisions of Article 16 of the Covenant, as defined by the present Protocol, shall be applicable against it.

Article 17

The signatory States undertake to participate in an International Conference for the Reduction of Armaments which shall be convened by the Council and shall meet at Geneva on Monday, June 15th, 1925. All other States, whether Members of the League or not, shall be invited to this Conference.

In preparation for the convening of the Conference, the Council shall draw up with due regard to the undertakings contained in Articles 11 and 13 of the present Protocol a general programme for the reduction and limitation of armaments, which shall be laid before the Conference and which shall be communicated to the Governments at the earliest possible date, and at the latest three months before the Conference meets.

If by May 1st, 1925, ratifications have not been deposited by at least a majority of the permanent Members of the Council and ten other Members of the League, the Secretary-General of the League shall immediately consult the Council as to whether he shall cancel the invitations or merely adjourn the Conference until a sufficient number of ratifications have been deposited.

Article 18

Wherever mention is made in Article 10, or in any other provision of the present Protocol, of a decision of the Council, this shall be understood in the sense of Article 15 of the Covenant, namely that the votes of the representatives of the parties to the dispute shall not be counted when reckoning unanimity or the necessary majority.

Article 19

Except as expressly provided by its terms, the present Protocol shall not affect in any way the rights and obligations of Members of the League as determined by the Covenant.

Article 20

Any dispute as to the interpretation of the present Protocol shall be submitted to the Permanent Court of International Justice.

Article 21

The present Protocol, of which the French and English texts are both authentic, shall be ratified.

The deposit of ratifications shall be made at the Secretariat of the League of Nations as soon as possible.

States of which the seat of government is outside Europe will be entitled merely to inform the Secretariat of the League of Nations that their ratification has been given; in that case, they must transmit the instrument of ratification as soon as possible.

So soon as the majority of the permanent Members of the Council and ten other Members of the League have deposited or have effected their ratifications, a *procès-verbal* to that effect shall be drawn up by the Secretariat.

After the said *procès-verbal* has been drawn up, the Protocol shall come into force as soon as the plan for the reduction of armaments has been adopted by the Conference provided for in Article 17.

If within such period after the adoption of the plan for the reduction of armaments as shall be fixed by the said Conference, the plan has not been carried out, the Council shall make a declaration to that effect ; this declaration shall render the present Protocol null and void.

The grounds on which the Council may declare that the plan drawn up by the International Conference for the Reduction of Armaments has not been carried out, and that in consequence the present Protocol has been rendered null and void, shall be laid down by the Conference itself.

A signatory State which, after the expiration of the period fixed by the Conference, fails to comply with the plan adopted by the Conference, shall not be admitted to benefit by the provisions of the present Protocol.

In faith whereof the Undersigned, duly authorised for this purpose, have signed the present Protocol.

DONE at Geneva, on the day of October, nineteen hundred and twenty-four, in a single copy, which will be kept in the archives of the Secretariat of the League and registered by it on the date of its coming into force.

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